



OMBUDSPERSON FOR CHILDREN

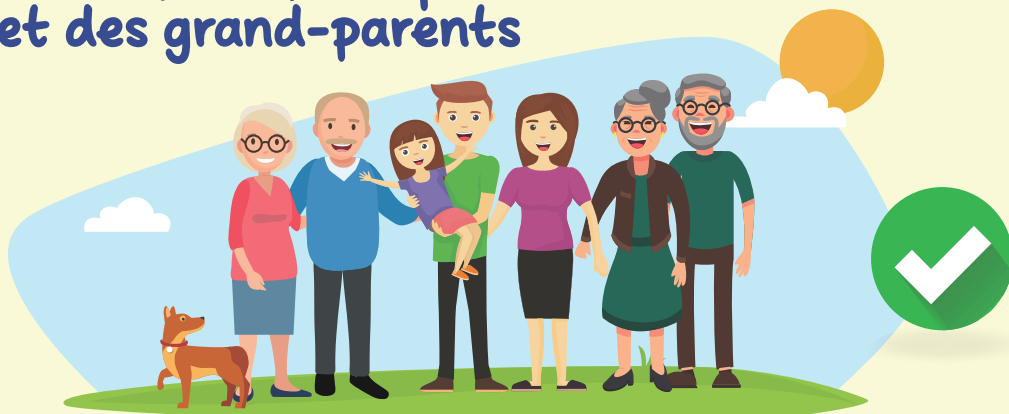
ANNUAL REPORT
2018-2019



L'enfant a droit à ses 2 parents et à ses grand-parents



**Respectons les droits
des enfants, des parents
et des grand-parents**



OMBUDSPERSON FOR CHILDREN'S OFFICE

1st Floor, NPF Building, Avenue des Artistes - Beau Bassin

Tel: 454 3010 • Fax: 454 3037 • E-mail: ombudschild@govmu.org

TABLE OF CONTENTS

TABLE OF CONTENTS	1
LIST OF ACRONYMS	6
LIST OF TABLES	8
GENERAL INTRODUCTION: CELEBRATING 30 YEARS OF THE UNCRC	9
CHAPTER 1: HANDLING OF CASES FOR THE REPORTING YEAR 2018-2019	15
1.1. INTRODUCTION	17
1.2. COMMON CONFUSIONS REGARDING THE OCO'S MANDATE	18
1.3. THE 8 GUIDING PRINCIPLES OF THE OCO	20
1.4. AN OVERVIEW OF THE OCO'S INVESTIGATION PROCEDURES	22
1.5. SUMMARY OF CASES HANDLED BY THE OCO IN 2018-2019	23
1.6. SELECTED CASES INVESTIGATED BY THE OCO	26
CASE 1: CHILD A, A GRADE ONE STUDENT, ASKED TO REMAIN AT HOME BECAUSE OF BEHAVIOURAL PROBLEMS AT SCHOOL	26
CASE 2: CHILD B WANTS TO MOVE WITH MOTHER ABROAD BUT FATHER OBJECTS	32
CASE 3: VIOLATION OF THE RIGHTS OF CHILD C, A CHILD WITH DISABILITIES	35
CASE 4: CHILD D, A MINOR WITH AUTISM SPECTRUM DISORDER (ASD), BEING DEPRIVED OF HIS RIGHT TO FAIR TREATMENT AND INCLUSIVE EDUCATION	39
CASE 5: CHILD E NOT ALLOWED TO SIT IN 6 SUBJECTS FOR HER SC/GCE 'O' LEVEL EXAMINATIONS	45
CASE 6: CHILD F, A CHILD WITH PARTIAL VISUAL IMPAIRMENT NOT PROVIDED WITH A CARER AT SCHOOL	48
CASE 7: CHILD G, A 10-YEAR-OLD CHILD DETAINED IN THE REHABILITATION YOUTH CENTRE UPON ACCUSATION OF LARCENY	54
CASE 8: CHILD H, A MINOR DISPLAYING CHALLENGING AND RISKY BEHAVIOURS AT SCHOOL	57
CASE 9: CHILD I RUSTICATED FROM A PRIVATE SECONDARY SCHOOL AND DENIED PARTICIPATION IN SCHOOL EXAMINATIONS	61
CASE 10: A MINOR WITH DISABILITY, CHILD J, DEPRIVED OF HIS RIGHT TO FREE TRANSPORT	63
CASE 11: ISSUES REGARDING CHILDREN'S RIGHT TO WATER AND GOOD HYGIENE AT SCHOOL	66
CASE 12: THE CHILD'S RIGHT TO BREAST FEEDING DISRUPTED BY THE MOTHER'S JOB SITUATION	69
CASE 13: REINSTATING THE RIGHT OF CHILD K TO HAVE CONTACT WITH BOTH HIS PARENTS THROUGH MEDIATION	72

CASE 14: THE RIGHT TO SOCIAL SECURITY OF CHILD L, AN ORPHANED MINOR WITH DISABILITY, IMPEDED DUE TO AN ADMINISTRATIVE ISSUE	74
CASE 15: COMPLAINT MADE REGARDING THE TRAVEL CONDITIONS OF AGALEAN CHILDREN ABOARD THE 'CGS BARRACUDA'	76
CHAPTER 2: APPLYING A CHILD RIGHTS LENS TO THE 2019-2020 BUDGET	79
2.1 BUDGETING TO PROMOTE CHILDREN'S RIGHTS	81
2.2 ENCOURAGING STATEMENTS FROM THE BUDGET SPEECH	81
2.3 MEASURES IN THE BUDGET SPEECH AND THEIR RELATION WITH THE UNCRC	82
2.4 MOVING BEYOND THE BUDGET SPEECH	101
2.5 YES, THE GOVERNMENT IS INVESTING IN CHILDREN, BUT	101
CHAPTER 3: REPORT ON ACTIVITIES 2018-2019	103
CHAPTER 4: PRESS ARTICLES WRITTEN BY THE OMBUDSPERSON FOR CHILDREN	317
CHAPTER 5: REFLECTING DEEPLY AND ACTING CONCRETELY TO PROTECT CHILDREN OF THE REPUBLIC OF MAURITIUS FROM ALL FORMS OF VIOLENCE	337
5.1 BACKGROUND	339
5.2 THE WORKSHOP	341
5.3 PROTECTION OF CHILDREN AGAINST VIOLENCE IN DIFFERENT SETTINGS: SUMMARIES FROM THE WORKSHOP	342
5.3.1 THE HOME AND FAMILY SETTINGS	342
5.3.2 THE SCHOOL OR OTHER EDUCATIONAL SETTINGS	352
5.3.3 INSTITUTIONAL SETTINGS	357
5.3.4 THE COMMUNITY	361
CHAPTER 6: ENHANCING THE MANAGEMENT OF CHILD ABUSE CASES IN RODRIGUES	367
6.1. BACKGROUND	369
6.2. A BRIEF OVERVIEW ON RODRIGUES	371
6.3. EXISTING CHILD-RELATED LEGISLATIVE FRAMEWORK	372
6.4. STRENGTHS AND WEAKNESSES OF THE CURRENT CHILD PROTECTION SYSTEM RODRIGUES	373
6.5 WHY DO WE NEED A CHILD ABUSE PROTOCOL?	376
6.6 A CHILD ABUSE PROTOCOL FOR RODRIGUES	377
6.6.1 DEFINITIONS AND INTERNATIONAL REFERENCES THAT APPLY TO THE PROTOCOL	377
6.6.2 BASIC PRINCIPLES OF THE PROTOCOL	379

6.6.3 PROCEDURES OF THE PROTOCOL	380
6.6.4 PROTOCOL FLOWCHARTS	386
6.7 RECOMMENDATIONS	390
6.7.1 SHORT-TERM RECOMMENDATIONS	390
6.7.2 LONG-TERM RECOMMENDATIONS	391
CHAPTER 7: UNETHICAL PRACTICES BY THE MANAGING COMMITTEE OF THE X Y ORGANISATION	393
7.1 INTRODUCTION	395
7.2. A BRIEF OVERVIEW OF THE X Y ORGANISATION	396
7.3. THE OCO'S INVESTIGATION	397
7.3.1 OBJECTIVES	397
7.3.2 METHOD	397
7.3.3 SPECIFICITIES OF THE OCO'S INVESTIGATION IN RELATION TO THE CASE OF XYO	399
7.4. AREAS OF CONCERN	402
7.4.1 UNETHICAL PRACTICES WITHIN THE MANAGEMENT OF THE XYO	402
7.4.2 THE VOICES OF CHILDREN FORMERLY RESIDING AT THE RCIS OF XYO	414
7.4.3 CHILD RIGHTS ISSUES AT THE TWO RESIDENTIAL CARE INSTITUTIONS OF XYO	417
7.4.4 CHILD RIGHTS ISSUES AT THE TRANSFORMATIVE LEARNING CENTRE (KLC) OF XYO	423
7.4.5 PROBLEMS HIGHLIGHTED BY THE CHILD DEVELOPMENT UNIT ON XYO	424
7.4.6 SYSTEMIC FACTORS THAT MAY HAVE MAINTAINED MALPRACTICES AT THE XYO	426
7.5. CONCLUSION & RECOMMENDATIONS	434
7.5.1 QUALITY MONITORING AND SUPERVISION OF RCIS	436
7.5.2 ADAPTED TRAINING BASED ON THE UNCRC AND THE GACC FOR RCI STAFF	438
7.5.3 LAW ENFORCEMENT AMONG NGOS WORKING WITH CHILDREN	440
7.5.4 THE CONCEPT OF NETWORKED GOVERNANCE: NETWORKING IS ESSENTIAL FOR INSTILLING AND MAINTAINING GOOD GOVERNANCE WITHIN NGOS	441
7.5.5 NO COMPROMISE ON FINANCIAL INVESTMENTS IN CHILDREN'S RIGHTS	442
CHAPTER 8: A SYSTEMIC INVESTIGATION ON ALLEGED PHYSICAL ASSAULT PERPETRATED UPON A CHILD AT SHELTER LA COLOMBE	449
8.1. BACKGROUND	451
8.2. THE ALLEGED INCIDENT OF 09 MAY 2019	452
8.3. METHODOLOGY	452

8.3.1 DATA COLLECTION TECHNIQUES	452
8.3.2 INVESTIGATION TIMELINE	453
8.3.3 IMPORTANT POINTS RELATED TO AN INVESTIGATION	457
8.4. FINDINGS	459
8.4.1 ABOUT CHILD Z	460
8.4.2 REPORTS OF THE SHELTER MANAGER	461
8.4.3 REPORTS OF OTHER STAFF MEMBERS	461
8.4.4 REPORTS OF OTHER RESIDENT CHILDREN	463
8.4.5 ISSUES WITH THE CCTV RECORDING	463
8.4.6 THE RCI'S ENVIRONMENT	464
8.5. CONCLUSIONS	464
8.5.1 BREACH OF CONFIDENTIALITY OF THE CCTV FOOTAGE	465
8.5.2 UNRELIABLE CHILD STATEMENTS	466
8.5.3 ISSUES WITH LEADERSHIP AND TRAINING AT THE RCI	467
8.5.4 THE IMPACT OF MEDIA PUBLICATIONS ON THE INVESTIGATION	470
8.6. RECOMMENDATIONS	471
8.6.1 REVIEW OF THE RECRUITMENT PROCESS IN RCIS	471
8.6.2 SMALL THERAPEUTIC UNITS IN RESIDENTIAL CARE	471
8.6.3 TRAINING FOR RCIS' STAFF	471
8.6.4 MEDICAL AND PSYCHOSOCIAL SCREENING OF CHILD RESIDENTS	472
8.6.5 A SPECIALISED INFRASTRUCTURE FOR CHILDREN WITH PSYCHIATRIC DIFFICULTIES	472
8.6.6 FAMILY-BASED ALTERNATIVE CARE FOR BABIES/INFANTS IN NEED OF PROTECTION	472
8.6.7 PROMOTING PHYSICAL ACTIVITIES AMONG CHILDREN AT RCIS	473
8.6.8 MEN IN A CARING ROLE WITHIN RCIS	474
APPENDICES	475
APPENDIX A: OMBUDSPERSON FOR CHILDREN ACT 2003	477
APPENDIX B: LIST OF PARTICIPANTS' ORGANISATIONS AT THE 2-DAY WORKSHOP OF 24-25 JULY 2019 IN QUATRE BORNES, MAURITIUS	483
APPENDIX C: LIST OF PARTICIPANTS AT THE WORKSHOP OF 17-19 APRIL 2019 IN RODRIGUES	484
APPENDIX D: LIST OF PARTICIPANTS AT THE VALIDATION WORKSHOP ON 03 MAY 2019 AT PALMS HOTEL, QUATRE BORNES, MAURITIUS	485

APPENDIX E

PROTOCOL OF ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT (YOUNG VICTIMS-CHILD)
FROM THE COMMISSIONER OF POLICE'S CIRCULAR NO. 15/2006

486

APPENDIX F

EXTRACTS FROM 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)

488

APPENDIX G

ROLES AND RESPONSIBILITIES OF AGENCIES AND PROFESSIONALS INVOLVED
IN THE PROTOCOL

492

List of Acronyms

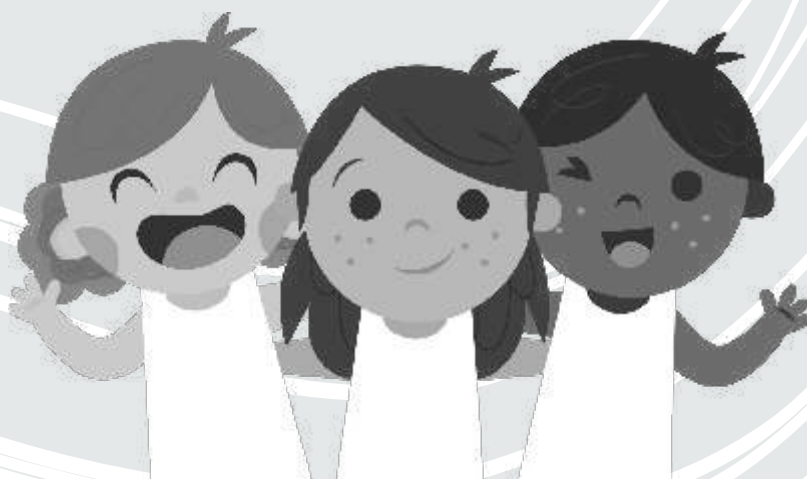
ACU	Alternative Care Unit
ASD	Autism Spectrum Disorder
BIP	Basic Invalid's Pension
BOP	Basic Orphan's Pension
BPM	Brigade pour la Protection des Mineurs
BSH	Brown Sequard Hospital
CPA	Child Protection Act 1994
CPR	Child Protection Register
CDU	Child Development Unit
CRC	Convention on the Rights of the Child
DPP	Director of Public Prosecutions
FLE	Fortified Learning Environment
FWPU	Family Welfare and Protection Unit
EEG	Electroencephalogram
EP	Educational Psychologist
GACC	Guidelines for the Alternative Care of Children
HM	Head Master
IEP	Individualised Education Plan
IFC	Integrated Family Centre
OC	Ombudsperson for Children
OCA	Ombudsperson for Children Act 2003
OCO	Ombudsperson for Children's Office
MACOSS	Mauritius Council of Social Services
MACR	Minimum Age of Criminal Responsibility

MEHRTESR	Ministry of Education and Human Resources, Tertiary Education and Scientific Research
MDT	Multi Disciplinary Team
MGECDFW	Ministry of Gender Equality, Child Development and Family Welfare
MLIRET	Ministry of Labour, Industrial Relations, Employment and Training
MOU	Memorandum of Understanding
MPILT	Ministry of Public Infrastructure and Land Transport
MRA	Mauritius Revenue Authority
MSC	Management Services Contract
MSSNSESD	Ministry of Social Security, National Solidarity and Environment and Sustainable Development
PBIS	Positive Behavioral Interventions and Supports
PPS	Pre-Primary School
NAO	National Audit Office
NCSRf	National Corporate Social Responsibility Foundation
NGO	Non-governmental organisation
RoA	Registry of Associations
RCI	Residential Care Institution
SENA	Special Education Needs Authority
SENS	Special Education Needs School
SDG	Sustainable Development Goals
SRM	Social Register of Mauritius
KLC	Transformative Learning Centre
UN	United Nations
UNICEF	United Nations Children's Fund
WHO	World Health Organisation

List of Tables

TABLE 1. CASES HANDLED BY THE OCO DURING THE PERIOD FROM 01 JULY 2018 TO 30 JUNE 2019	23
TABLE 2 PROFILE OF COMPLAINANTS REGISTERED FROM 01 JULY 2018 TO 30 JUNE 2019	23
TABLE 3. TYPES OF COMPLAINTS REGISTERED FROM 01 JULY 2018 TO 30 JUNE 2019	24
TABLE 4. NUMBER OF CASES REGISTERED AT THE OCO OVER THE LAST TWO REPORTING YEARS	25
TABLE 5. STRENGTHS AND WEAKNESSES OF THE CHILD PROTECTION SYSTEM IN RODRIGUES	374
TABLE 6. ISSUES AND ACTIONS TAKEN BY THE OCO SINCE 2015 REGARDING CONCERNS RELATED TO XYO	399
TABLE 7. BREACHES OF THE MOU BETWEEN THE XYO AND THE MGECDWF	409
TABLE 8. SURVEY ON PLACEMENT CHOICE WITH THE 50 EX-RESIDENTS OF XYO ON THE FIRST ROUND OF INTERVIEWS	414
TABLE 9. ISSUES IDENTIFIED FROM FIELD VISIT REPORTS BY THE CDU SINCE 2012	425
TABLE 10. KEY IDEAS ON THE AREAS OF CONCERNS AND RECOMMENDATIONS REGARDING THE RIGHTS OF CHILDREN IN RCIS FROM THE OCO'S ANNUAL REPORT 2016-2017	429
TABLE 11. TIMELINE OF THE INVESTIGATION ON SHELTER LA COLOMBE	453

**GENERAL
INTRODUCTION
CELEBRATING
30 YEARS OF THE
UNCRC**



On 20 November 2019, the world will be celebrating 30 years since the adoption of the Convention on the Rights of the Child (UNCRC) by the United Nations General Assembly in 1989. Through the ratification of the UNCRC in 1990, the Republic of Mauritius showed its dedication to bring the promotion of children's rights at the top of decision makers' agenda. It further propelled its commitment to this international law by the enactment of the Ombudsperson for Children Act (OCA) 2003 (refer to Appendix A). This local law gave birth to the Ombudsperson for Children's Office (OCO), a unique entity, first of its kind in Africa, which aims to ensure that policies, legislation and practices related to children within the Republic of Mauritius respect the principles and provisions enshrined in the UNCRC. As a matter of fact, we were pleased at the OCO this year to welcome and hold working sessions with the Office of the Ombudsman of Namibia and the Minister of Women and Family Affairs of the Republic of Djibouti, both intending to set up a similar office in their respective countries.

Indeed, 2003 was a landmark year for the children of our Republic. Section 5 of the OCA 2003 entrusted the Ombudsperson for Children (OC) with a clear mandate to:

- (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.*

However, a critical mass of citizens of our Republic seems to ignore that the OC has to work within a legal framework. For example, if she constantly refers to the UNCRC, this is clearly because the OCA 2003 prescribed her with the duty to promote compliance with this international law which forms the basis of all the OCO's work. One of the core functions of the OCO is to conduct investigations on any alleged case of child rights violations in the country, either on its own motion or upon receipt of a complaint. Annually, the OCO deals with different types of child-related complaints from individuals, groups of people or organisations from a wide range of backgrounds, and we registered a total of 466 new cases in the reporting year of 2018-2019 (refer to chapter 1).

Around the globe, child rights activists view the UNCRC as the most complete statement of children's rights ever produced. It is important to know that the UNCRC sets out the civil,

political, economic, social and cultural rights of all children of the world. On the 30th anniversary of the UNCRC, our Republic must seize this opportunity to strengthen the awareness of the population on children's rights and to take stock of the progress made in their fulfilment. It is also promising to see that the Budget Speech of 2019-2020 makes provision for a number of additional measures that can directly or indirectly improve the overall wellbeing of our children (refer to chapter 2). As for my office, we have been celebrating the 30 years of the UNCRC through a series of activities to remind parents, professionals from different sectors and law makers that it is of utmost importance to uphold children's rights (refer to chapter 3).

We all have to contribute in rightful ways to enable children to develop into confident and responsible adults. However, I have noted that many adults in our Republic are still not convinced that the promotion of children's rights can help children become better citizens. They instead assume that empowering children opens the door to the latter abusing of their power and even behaving in uncontrollable and rude ways. When my team and I at the OCO hear such comments, we take the time to explain to these people how each and every article of the UNCRC ensures that children live safe and healthy lives and are protected from all forms of discrimination. We reassure them that children have rights AND responsibilities.

Since the creation of the OCO, we have consistently worked on shifting people's mindset in this regard and many do end up realising that children's rights are not about creating havoc and chaos in society. On the contrary, promotion of human rights, including children's rights, is *sine qua non* to the promotion of a world culture of peace. I would like to highlight the important and continued collaboration of the media in spreading awareness among the population on the role and functions of the OCO and on the importance of protecting the rights and best interests of our children. I invite you to read in chapter 4 of the present report some press articles that I have written on issues related to vulnerable groups of children.

More than in any other year, the reporting period of 2018-2019 at the OCO has been characterised by rising concerns regarding different forms of violence committed against children in various settings, namely the home, the school, care and justice institutions as well as the community. I have not only been appalled by the significant increase in violence against

children, but also by the growing number of children perpetrating violence. Today, we cannot deny the existence of minors who physically, sexually and verbally abuse other children and, at times, even adults. It appears that our society has a tendency to condemn child perpetrators without reservation. This is quite unfortunate because these children have most of the time themselves been victims of abuse and constitute a vulnerable target group. While it is important to deal firmly with discipline child perpetrators and give them clear signals that their behaviours are unacceptable, it is also crucial that they are provided with the necessary support.

I would like to insist that both children victims of abuse and those in conflict with the law have the right to proper rehabilitation. Nevertheless, far too often, we focus our efforts more on punitive or restrictive options for children in conflict with the law than on preventive or restorative solutions. Detaining children, even if this is for a brief period, is harmful to their wellbeing. Research advances that detention increases the likelihood that these children relapse into criminal behaviours.

The time for increased concrete actions to combat violence against children in all its forms has come. These initiatives must essentially reflect the spirit of the UNCRC and all stakeholders, including children, must participate in their elaboration and implementation. I think there is no need to reinvent the wheel when designing these actions. There is already a large body of available international evidence and best practice models on promoting non-violent environments for children that can be adapted by our policy makers to improve the local situation. For instance, the Independent Expert of the UNSG Secretary-General's of the United Nations' (2006)¹ report on the *World Report on Violence Against Children* (Pinheiro, 2006)² and the UN Committee on the Rights of the Child's General Comment No. 13 (2011)³ on the 'right of the child to freedom from all forms of violence' can be used as key references.

¹United Nations (2006). *Report of the independent expert for the United Nations study on violence against children*. Geneva: Author. Retrieved on 29 July 2019 from www.unicef.org/violencestudy/reports/SG_violencestudy_en.pdf

²Pinheiro, P.S. (2006). *World Report on Violence Against Children*. Geneva: United Nations. Retrieved on 29 July 2019 from www.unicef.org/violencestudy/l.%20World%20Report%20on%20Violence%20against%20Children.pdf

³Committee on the Rights of the Child (2011). *General Comment No. 13 (2011): The right of the child to freedom from all forms of violence*. Geneva: United Nations. Retrieved on 29 July 2019 from www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf

In this context, my office mobilised this year multidisciplinary statutory and non-statutory stakeholders in reflecting deeply together and making proposals on what our country needs to better protect children from all forms of violence across settings (refer to chapter 5). Moreover, upon the request of Mrs. Rose Marie Franchette Gaspard–Pierre Louis, Commissioner for Child Development and Others, we also sensitised frontline practitioners in Rodrigues involved in child protection, education and health as well as children themselves on the adverse impact of violence and on the need to promote a culture of peace. This fruitful collaboration culminated in the formulation of a *Child Abuse Protocol for Rodrigues* which is detailed in chapter 6 of the current report.

I would like to bring special attention to the fact that our country still needs to make significant efforts to prevent and fight violence against children within residential care institutions (RCIs). At the OCO, we regularly deal with various types of complaints from staff and children within RCIs. In the current annual report, chapter 7 refers to the case of child rights violations within the RCIs run by a local non-governmental organisation. This was a long and in-depth investigation carried out on an RCI. It was deemed important to disseminate this inquiry in the present document so that lessons from this complex case become a learning curve for everyone working in residential care in this country. In addition, the OCO's systemic investigation with regards to an alleged case of physical assault at Shelter La Colombe is reported in chapter 8.

I would like to highlight that, in the OCO's Annual Report 2016-2017, a detailed analysis on the management of RCIs in the Republic of Mauritius was proposed, including a series of relevant recommendations which have still not been fully actioned. It is necessary to understand that, within my mandate, I can only make recommendations. The onus of implementing them rests on the authorities concerned.

Finally, I make an appeal to all stakeholders concerned by the alarming rise in violence against and by children to make a firm commitment of promoting a culture of peace. One cannot combat violence by violence. As beautifully said by Mahatma Gandhi, "*there is no route to peace, peace is the route.*"

CHAPTER 1

HANDLING OF CASES FOR THE REPORTING YEAR 2018-2019



1.1 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) as stipulated in the UNCRC
- collaborating with public bodies, private authorities, 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. The OCO receives complaints on various types of cases, (see section 1.5)

The present chapter gives information on some recurrent confusions regarding the OCO's mandate, 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 2018 to 30 June 2019 is then provided, followed by a selection of 15 anonymised cases to illustrate the investigation work of the OCO.

1.2. Common confusions regarding the OCO's mandate

Over the years, we noted that a lot of people unfortunately are confused about the powers and functions of the OC. The OCO puts in considerable efforts to inform the public on these parameters. **The following are five aspects of our mandate that are commonly subject to confusion:**

1) The OC does NOT investigate any cases that are pending before any Court.

According to section 7(4) of the OCA 2003, "*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*". Although we routinely ask complainants to disclose whether their cases are pending before Court, some do, others do not. There have even been times when the OCO had been convened by the Court for clarification. The OCO is in the process of including a written declaration in its complaint sheet that must be signed by complainants to confirm that their cases are not pending before Court.

During the reporting year 2018-2019, the OCO had received around 50 cases pending before Court and the complainants were referred to the Ministry of Gender Equality, Child Development and Family Welfare or other relevant authorities. It is important to note that the OC is not mandated to provide any legal advice on cases.

2) The OC's recommendations are NOT legally binding to authorities

The OCA 2003 confers the OC with the power to make recommendations to relevant Ministers and stakeholders in order to remedy or prevent any violation of the rights of the child. The OC can also advise on administrative or legislative reforms that are intended to improve child protection mechanisms and the quality of services delivered to children. These recommendations are not legally binding and enforceable by the concerned authorities.

The OC cannot force authorities to enact these recommendations, but it can, nevertheless, employ a 'smart power' approach, in the sense that it uses persuasion, moral authority and,

local and international research evidence to encourage stakeholders from the public, private and civil society sectors to review their positions or decisions on issues relating to child rights.

3) Mediation by the OC does NOT mean side-taking.

As mandated by section 7(3)(a) of the OCA 2003, mediation is a technique that is used by the OC to facilitate communication and resolve disputes regarding children's rights between two or more parties involved in a case in an **independent, non-judgmental and impartial manner**.

All persons involved in a case, including children, are given a fair chance to provide their views on the problem(s) raised. The OC then assists the different parties in discussing about potential solutions in a dispassionate and peaceful way. She makes recommendations to the concerned parties with respect to the best interests of the child(ren) involved in the case. She can also refer them if necessary, to the relevant authorities.

4) The outcome of a case is NOT determined by who complained first at the OCO.

This has happened in some instances where different complaints about the same case are received. Some people assume that, if they complained first, the case should go in their favour. (However, they must understand that this is not how things work at the OCO.) Irrespective of the order of complaints, cases are will investigated a given situation in an objective and evidence-based manner, in consultation with all the actors involved in the case as well as the relevant external stakeholders. The outcome of the case will be based primarily on the best interests of the child(ren) involved (as promoted by the UNCRC.)

5) A person CANNOT wilfully refuse a summon or a request for information by the OC during an investigation.

According to section 7(2) of the OCA 2003, the OC has the power to summon different parties concerned in a given case, to record and examine what they have to say under oath, and to request for any type of information relevant to a case, amongst others, for the purpose of an investigation. Wilful refusal to cooperate with the proceedings of the OC during an inquiry, such as not showing up to a summon, providing misleading or false information, or

misbehaving towards the OC, are considered as a punishable offence as per section 11A(2) of the OCA 2003:

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.

1.3. The 8 guiding principles of the OCO

The OCO gives high importance to good governance which is translated into **eight guiding principles** that underly 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.

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

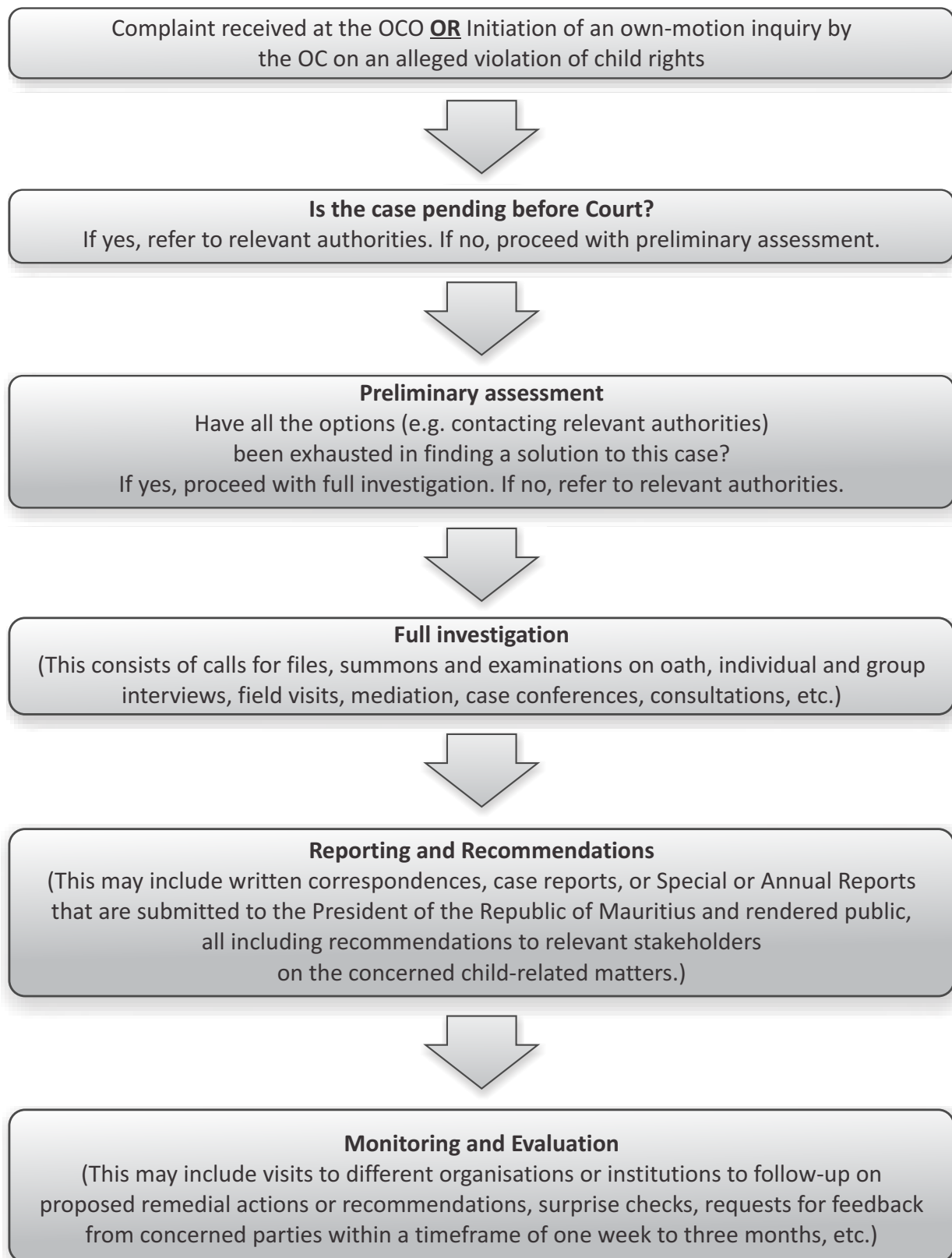
The OCO provides a free and responsive complaint procedure for anyone who requires it. There are several ways through which a complaint can be made by or on behalf of children as follows:

- ◆ 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.

1.4. An overview of the OCO's investigation procedures



1.5. Summary of cases handled by the OCO in 2018- 2019

For the period from 01 July 2018 to 30 June 2019, **466** new complaints were registered at the OCO (see Table 1 below). It successfully resolved and closed **391** cases, which represent approximately 84 per cent of all registered cases for that particular reporting period. About 13 per cent of registered cases are awaiting reports from various stakeholders and the remaining 3 per cent are still under investigation.

Table 1. Cases handled by the OCO during the period from 01 July 2018 to 30 June 2019

Case Status	Number	Approx. Percentage (%)
Cases Closed	391	84
Cases Awaiting Report	59	13
Cases in Progress	16	3
TOTAL	466	100

Investigations at the OCO are predominantly carried out following complaints made by individuals, groups of people or organisations from a wide range of backgrounds. Some inquiries are also conducted on an own-motion basis by the OCO when specific areas of concern are identified by the investigation team. Table 2 below provides information on the profile of complainants registered in the reporting year 2018-2019.

Table 2. Profile of complainants registered from 01 July 2018 to 30 June 2019

Complainant	Number
Mother	153
Father	108
Grandparents	39
Anonymous	37
Education Professionals	32
Relatives/ Friends	24
NGOs	19

Complainant (ctd)	Number (ctd)
Ministries/ Departments	11
Neighbours	11
Groups of parents	10
Children	7
Foster Parents	7
Media	4
Medical Social Workers	3
Own Motion	1
TOTAL	466

In addition, the types of complaints vary from basic school problems to complex societal issues including family conflicts, domestic violence, severe abuse, neglect and poverty, as shown in Table 3 below. It is to be noted that the highest number of these complaints, as indicated by 'Others' in the table, represent those cases that are complex in nature and that involve a combination of difficulties. The second highest number of complaints relate to family conflicts involving children followed by child-related school issues.

Table 3. *Types of complaints registered from 01 July 2018 to 30 June 2019*

Types of Complaints	Number of Cases
• Family Conflict/ custody/ right of access	80
• School problems/ transfer/ admission/ transport/ infrastructure	66
• Corporal punishment/ harassment/ verbal abuse by personnel at school/ bullying/ violence/ assault at school	61
• Child neglect/ ill-treatment/ at-risk	53
• Behavioural problems	30
• Sexual abuse and harassment	23
• School absenteeism/ drop out	14
• Poverty–lack of means/ social aid/ lack of school materials	11
• Prostitution/ child trafficking	7

Types of Complaints (ctd)	Number of Cases (ctd)
• Institutional abuse and neglect/ police brutality	13
• Adoption issues	6
• Physical violence in family/ domestic violence	4
• Drug abuse	4
• Sale of cigarettes and alcoholic drinks to minors	4
• Tardy declaration	4
• Children with disabilities/ social aid problems	3
• Child abduction	1
• Others	82
TOTAL	466

It can be seen from Table 4 below that the number of cases registered in 2017-2018 remained relatively similar to the number of cases registered in 2018-2019.

Table 4. *Number of cases registered at the OCO over the last two reporting years*

Reporting Year	Number of cases
2017-2018	465
2018-2019	466

Over the course of 2018-2019, the OCO carried out **272 field visits** for investigation purposes. These visits provided important opportunities for the OCO's investigation team to

- observe children in different settings (e.g. home, school, residential care institutions, detention centres, rehabilitation centres and the community);
- interact with children and the adults responsible for them;
- gather valuable information related to investigations; as well as
- establish collaboration with parents, school communities and other professionals working with and for children to improve the situation of children.

1.6. Selected cases investigated by the OCO

The following is a selection of 15 anonymised cases that have been registered at the OCO in the reporting year 2018-2019. It provides an illustration of the general nature of cases and work that is carried out by the OCO on a daily basis.

Case 1: Child A, a Grade One student, asked to remain at home because of behavioural problems at school

INTRODUCTION

Schools in several countries of the world are accommodating increasingly heterogeneous groups of students with various needs and backgrounds. The Republic of Mauritius is no exception. Mainstream schools can at times be quite rigid structures that are led by the needs of the student majority and that are less responsive to those of a minority of more complex students. The latter group may include children facing different types of vulnerabilities including

- physical disabilities;
- mental health issues such as attention-deficit hyperactivity disorder (ADHD), mood and conduct disorder, anxiety and depression;
- learning difficulties such as dyslexia and dyspraxia;
- learning disabilities;
- family issues such as child abuse or neglect, domestic violence, poverty, parental drug abuse, parental incarceration among others; and
- social problems such as bullying and community violence.

These students may find it difficult to integrate in their schools if no appropriate support is provided. The children may manifest their distress through challenging behaviours including verbal and physical aggression, which in turn disrupt the smooth running of the school. Often, the school personnel feel helpless and do not know who to solicit for help.

Every year, the Ombudsperson for Children (OC) receives complaints from parents whose children have difficulties to integrate mainstream schools and from teachers who describe

some of their pupils as ‘uncontrollable’. The OC noted that, in many of these cases, parents were advised by school managements to transfer their wards to Special Education Needs School (SENS), even when Psychologists or other child professionals had recommended that the child could stay in a mainstream school. These situations do raise an important question – should children be fit for schools or schools fit for children? Nevertheless, it must be highlighted that there are teachers with good class management skills who succeed in adapting their approach to handle these children.

NATURE OF THE COMPLAINT

In June 2018, an anonymous informant drew the attention of the OC on the case of a four-year-old pupil, Child A, of a municipal pre-primary school (PPS) who was perceived as ‘uncontrollable’. It was reported that the child roamed around in the yard during class hours and beat other children. In January 2019, a few days after the beginning of the school year, the parents called at the Ombudsperson for Children’s Office (OCO) to complain that the Head Mistress of the primary school where the child was given admission allegedly told them not to send the child to school and to seek the appropriate support. As at April 2019, the child was still not attending school.

ABOUT THE CHILD

Child A was adopted when he was 10 months old. His biological mother had alcohol issues and she had tried to abort Child A at the time she was pregnant. She had not disclosed the identity of the father. According to the adoptive parents, the child was behaving quite well before he was admitted in a pre-primary school (PPS). He joined a private PPS where he spent 1 ½ years. The mother then transferred him to a Municipal PPS where he was regularly asked to stay at home because of his misbehaviours. The mother sought help from a specialised NGO, a Child Psychiatrist and a Psychologist of the Ministry of Health and Quality of Life. This year, the child was admitted in a primary school on 10 January 2019 and, two working days later, the parents were allegedly asked by the Head Mistress not to send the child to school as he is ‘hyperactive’. It is important to highlight that all the professionals who have seen the child recommend that the child should be in a ‘normal school’.

REFERENCE TO LOCAL LEGISLATION AND THE UNCRC

- **Education Act 1957**

The Education Act 1957 is the main piece of legislation for the education sector in Mauritius. Section 3(2)(c) of this law stipulates that the Minister shall ensure *“the progressive development for all classes of the community of practical education suited to the age, ability and aptitude of the pupil and relevant to the needs of Mauritius”*.

Sections 37(1-3) provide for compulsory education up to the age of 16 years:

- (1) Every child who attained such age as may be prescribed for admission to a primary school shall attend primary school.*
- (2) It shall be compulsory for every child to attend school up to the end of the academic year in the course of which he attains the age of 16.*
- (3) Any responsible party of a child under the age of 16 who, without reasonable cause, refuses or neglects to cause the child to attend school regularly in accordance with subsection (1) or (2) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to a term of imprisonment not exceeding 2 years.*

- **Convention on the Rights of the Child (United Nations, 1989)**

Article 28 of the UNCRC provides for the right of the child to education on the basis of equal opportunity. Relevant extracts of this article are given as follows:

- (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;*
 - (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.*

Given that every child has the right to attend school based on the above-mentioned local and international obligations, the OC opened an investigation.

ACTIONS TAKEN

- (1) **Meeting with the parents:** In July 2018, the parents were convened at the OCO. The mother complained that she was having problems in convincing the child to go to his pre-primary school (PPS) and to behave well in class.
- (2) **Liaison with the PPS:** Following a request from the parents, this office intervened with the management of the PPS so that a report on Child A was handed over to the mother. This report was needed for admission procedures to a primary school.
- (3) **Referral to therapeutic services:** The OCO referred Child A to an NGO which provides psychological support and assistance to children. The child was seen by a Psychologist as well as a Child Psychiatrist. Both professionals described the child as being turbulent with no serious psychological issues. They recommended that the school should take responsibility of the child during school hours and employ positive disciplinary measures as appropriate. They added that the school should not threaten to expel him as he has a good learning capacity.
- (4) **Liaison with the primary school:** An investigator called at Child A's primary school to meet the Head Master and the Class Teacher. The latter were both of the opinion that the child's place is in a specialised school.
- (5) **Further referral to an Educational Psychologist of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHRTESR):** Child A was referred to an Educational Psychologist (EP) of the MEHRTESR with the aim of conducting a full cognitive assessment with him. The EP carried out several psychometric tests with the child and observed that the child fared well when given individualised attention and guidance. Child A's off-task behaviours needed to be addressed and redirected immediately. The tasks needed to be well-structured and well-balanced with regular and consistent physical/movement breaks. The EP recommended the following:
 - a) Individualised attention at school to help the child better manage his symptoms of inattention and hyperactivity. This could include, but should not be limited to, the implementation of a behavioural contract and regular breaks in between short activities.

- b) Additional teaching assistance to work on literacy and numeracy skills.
 - c) Facilitation of social skills.
 - d) Parent training in behaviour management.
- (6) **Case conference:** On 09 April 2019, the OC convened a case conference regarding Child A. Representatives of the primary school, the MEHRTESS, the NGO which provided therapy services and the parents were present. Different perspectives were reported and discussed as follows:
- a) The parents informed the persons present that the child is still not attending school. He attended school for only 8 days at the start of the school year. They said that he is sometimes turbulent at home, but not to the extent described by the school.
 - b) One of the psychotherapy professionals explained that a child may show different sets of behaviours, one at home, one during therapy and another one at school, based on how he is feeling in that setting. For example, the child may be in his comfort zone at home and behave well.
 - c) It was also found that the child was being seen by several professionals at the same time and that there was no communication among these professionals. For example, the child was being seen by a private Clinical Psychologist, a Psychologist of an NGO, and the Psychologist of the MEHRTESS. Each one had a report which was being kept confidential at their level.
 - d) It was also revealed that the child was being seen by a Psychiatrist and that a brain scan report was being awaited from Victoria Hospital since two months. All these factors contributed to a situation where up to now no one has been able to make a holistic diagnosis of the child's difficulties.
 - e) The OC reminded the persons present that the child will have to attend a school as he has the right to education and that the purpose of this conference is to come up with the best option for the child. However, due to a lack of comprehensive assessment on the child, it was difficult at that stage to ask the present school to take the child back without a proper diagnosis.
 - f) The parents informed that they contacted a fee-paying Special Education Needs School (SENS) to admit the child but the school requested for the brain scan report

before allocating a seat to the child. They also added that the school is very expensive.

- g) A SEN school nearer to the place of residence of the child was also proposed. The OC reiterated that a proper diagnosis should be made prior to taking any decision.
- h) The NGO present at the case conference accepted to assist in making a holistic diagnosis which will be circulated to the concerned authorities with the permission of the parents. It will assist the parents to get the brain scan report, keep the child under observation at their centre, arrange to have the child seen by their visiting Psychiatrist and by a Paediatrician.

OUTCOME AND FOLLOW-UP

- (1) The child was seen by a Consultant at the Brown Sequard Mental Health Centre. An electroencephalogram (EEG) was carried out and the outcome was 'normal EEG'.
- (2) The child attended his sessions at the NGO. Arrangements were made for him to be seen by a Paediatrician. The latter diagnosed him with 'no neurological anomaly' and advised for psychiatric/psychological follow up.
- (3) In consultation with the OCO, the MEHRTESR proposed to transfer the child to a Government Primary School where the number of pupils per class is low. This will allow the class teacher to devote more time to the child. The parents accepted the proposal.
- (4) Child A is now attending school regularly, but still has problems to adapt to class rules. The Educational Psychologist of MEHRTESR is following him closely.

COMMENTS

There are many such cases which are reported to the OCO every year. It is highly recommended that the MEHRTESR have a multi-disciplinary team (MDT) comprising of Paediatricians, Clinical and Educational Psychologists, Social Workers, Speech Therapists, Nutritionists and other professionals who could assess and intervene in cases of children with significant behavioural problems. The MDT can collaborate closely with the parents and the school to ensure that these children are provided with the same opportunity as their peers to benefit from their right to education. The MDT professionals should deliver their services with a child-centred approach in order to meet the specific needs of these children. The MDT approach can contribute immensely to the inclusive education policy through supporting in a therapeutic way the accommodation of all children within the same educational environment.

Case 2: Child B wants to move with mother abroad but father objects

INTRODUCTION

An increase in complaints regarding situations where parents are separated or divorced and where children are affected by the disagreements that arise about them has been noted at the OCO. When one of the parents lives abroad, this can make the situation more complicated, and several rights and aspects with respect to the child have to be considered. There may be instances when it seems that the rights and best interests of the child conflict or compete. In such cases, the best interests of the child should be given primary consideration.

NATURE OF THE COMPLAINT

A mother living abroad wrote to the OC to request her to intervene so that her ex-husband who lives in Mauritius could give his agreement to enable their 14-year-old daughter, Child B, to come and live with her. In her letter, she explained that the father had left home when Child B was only one year old. She divorced her husband in 2017 and she was granted custody of Child B by the Court. Her daughter had stayed with her until she turned 13 years old and expressed her wish to go and stay with her father. The mother had agreed at the time and Child B moved to her father's place.

In November 2018, the mother took employment as a teacher abroad and obtained her residence permit. In the meantime, the father was remanded to jail for a case of larceny. As a result, Child B left her father's place and went to stay with her maternal grandmother aged 75 years old. The mother asked her ex-husband to authorise their daughter to travel and stay with her, but the latter refused. She has already secured a seat for the child in the school where she is working abroad.

The child phoned the OCO. She stated that she wants to go and live with her mother abroad. She went to meet her father in prison. She tried to convince him to sign for the renewal of her passport and to give his consent for her to travel. The father refused to sign the documents.

REFERENCE TO THE UNCRC AND UN GENERAL COMMENT

In order to sensitively and effectively deal with this case using a rights-based framework, the OC considered several provisions of the UNCRC and a UN General Comment. The main ones were as follows:

- **Parental responsibility:** *the rights, responsibilities and duties of parents to give direction and guidance to the child in a manner consistent with his evolving capacities (article 5);*
- **Separation from parents:** *the need for all parties concerned to participate in proceedings and make their views known (article 9(2)), and the importance for the child to maintain personal relations and direct contact with both parents (articles 9(3) and 10(2));*
- **Freedom of expression:** *the respect of the child's views, wishes and feelings on all matters affecting her (article 12); and*
- **Best interests of the child:** *the balance between the right of the father and the wishes of the child so that the best interests of the child are given primary consideration (article 3); "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" (Committee on the Rights of the Child, 2013, section IV, paragraph 3)⁴.*

ACTIONS TAKEN

- (1) **Request for information from the prison:** The Ombudsperson for Children (OC) requested information from the prison on the number of times the father has been to jail. The prison's report indicated that from 2008 to 2018, the father had spent an equivalent period of 7 years and 10 months in jail, both on remand and upon conviction.
- (2) **Mediation at the prison:** The OC accompanied by an Investigator called at the prison to conduct mediation between the father and the daughter, in the presence of the Prison Social Worker. The father stated that he did not intend to sign the documents to allow his daughter to move abroad. He feared that his daughter would get spoilt by the overseas lifestyle. He believed that his daughter could do better in her education in Mauritius. He also dreaded that, once Child B is abroad, the mother will prohibit her from communicating with him.

⁴Committee 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). Geneva: United Nations.

- (3) **Phone conversation with the mother:** The OC spoke with the mother on the phone to discuss the concerns of the father. The mother forwarded a copy of a letter addressed to the father in which she promised to arrange for Child B to keep regular contact with him.
- (4) **Liaison with Child B's school:** The OC and an Investigator called at Child B's school where they spoke to her, the Rector and the Deputy Rector. The Rector and his Deputy informed the OC that the child does well academically, but lacks discipline such as being unpunctual. Very often, she arrives at school more than 30 minutes late. On one occasion, the child had tried to falsify her results by applying a corrector on the marks attributed by the teacher and inserting new marks. She was being followed by the zonal Educational Psychologist of the Ministry of Education and Human Resources. The Rector further informed the OC that presently the child did not have any assigned 'responsible party' as her mother was abroad and father in jail. He had to intervene for the child to be able to choose her subjects for Grade 10. Both the Rector and his Deputy were of opinion that it would be in Child B's best interests to move and live with her mother abroad.
- (5) **Individual interview with Child B:** Child B told the OC that her maternal uncles and aunts live in the same country as her mother. She also has a paternal aunt in another nearby country. She has regular contact with them through the internet. Her father was living with another woman with whom he just had a baby. The child was of opinion that the father's partner was not happy of her presence.
- (6) **Interviews with Child B's close relatives in Mauritius:** The OC met with Child B, her maternal grandmother and her uncle in her office. She informed them on the actions taken at her end. She also told them that no one can force the father to sign the documents even if he is in jail, given his parental rights. She advised Child B to meet her father again.

OUTCOME AND FOLLOW-UP

- (1) The child phoned the OC to inform that his father was now willing to give his consent to allow her to go abroad at her mother's place.
- (2) As a follow-up action, an Investigator called the grandmother for feedback who stated that a travel ticket had already been booked for the child and that she would be leaving soon.

Case 3: Violation of the rights of Child C, a child with disabilities

INTRODUCTION

There are provisions in different laws in Mauritius that can help improve the accessibility of children with disabilities. One such law is the Excise Act 1994 that can enable a parent or legal guardian of a disabled person, including children, to acquire a duty-free adapted motor car of an engine capacity not exceeding 1,600 cc (First Schedule, part 1A, item number 72):

A parent or legal guardian of a disabled person –

(a) with permanent orthopaedic disability of 60% or above;

(b) having severe mobility problem; and

(c) heavily dependent on others for activities of daily living,

as certified by the Medical Board of the Ministry responsible for the subject of social security. The motor car...may be of a kind specifically designed for the conveyance of a disabled person, as the Medical Board of the Ministry responsible for the subject of social security may determine. If specifically designed, the motor car...shall be so certified by a mechanical engineer of the Ministry responsible for the subject of public infrastructure.

The present complaint was from the parent, Mrs X, of a disabled child, Child C, who had applied to the Mauritius Revenue Authority (MRA) for excise duty concessions on an adapted motor car under the above-stated provision of the Excise Act 1994.

NATURE OF THE COMPLAINT

Mrs X made an application for a duty-free car after she gave a deposit of Rs 20,000 to a car dealer company. Following the Medical Board's visit, she was apprised by the MRA that the Ministry of Social Security, National Solidarity and Environment and Sustainable Development (MSSNSED) had supported her application for Excise Duty concession on a motor car not exceeding 1600 cc and adapted with a ramp. She was further informed that she would need to produce the vehicle for verification purposes at the Plaine Lauzun Mechanical Workshop of the Ministry of Public Infrastructure and Land Transport (MPILT) once the ramp had been installed.

Mrs X was also required to submit a bank guarantee to the Director of Customs to cover the amount of Excise Duty and taxes payable on the vehicle prior to removing it from the bond of the garage where the ramp shall be fitted. The bank guarantee will be released after the Director of Customs is satisfied that the vehicle has been fitted with the ramp to the approval of the MPILT. The Duty Concession Certificate for Customs Clearance would be issued subject that aforesaid requirements had been complied with. Following the recommendation of the Medical Unit of the MSSNSED, Mrs X had even bought a ramp of Rs 50,000 from Reunion island. In addition, Mrs X made a further payment of Rs 80,000 to the car dealer company.

The MRA informed Mrs X that the Engineer of the MPILT was requesting for a meeting with all concerned stakeholders to determine the suitability of the car to transport the child. Since then, Mrs X had been chasing officers for answers and kept waiting through long administrative procedures at the level of various institutions. It became hard for Mrs X to determine when she would be able to obtain the car as she encountered different hurdles. The MPILT could only give clearance after a meeting with representatives of the Medical Board and the Disability Unit of the MSSNSED, and the MRA, was convened to determine the suitability of the car. Moreover, no response was gained from the MSSNSED regarding the obtainability of the car.

The lack of support was taking a toll on the parents of Child C as they were being increasingly burdened by the expenses incurred. It was noteworthy to highlight that the parents had been paying a monthly car lease of Rs 8,500 since 3 months. Five months following application for a duty-free adapted motor car, an overwhelmed Mrs X lodged a complaint at the Ombudsperson for Children's Office (OCO) and related the above-described challenges to the Investigators.

REFERENCE TO INTERNATIONAL PROVISIONS

In the context of the present complaint, it was crucial to identify related international provisions as follows:

- **Convention on the Rights of the Child (UN, 1989)**

The complaint represented violations of two provisions of the UNCRC with respect to:

(1) **Best interests of the child (article 3):** *“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) **Children with disabilities (article 23):** *Given the vulnerability of a disabled child to segregation and discrimination, he/she must “[have] effective access to and [receive] 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”.*

- **Convention on the Rights of Persons with Disabilities (CRPD; UN, 2006)**

Two articles of the UNCRPD are relevant to the present case:

(1) **Article 7 (1-2): Full enjoyment of the rights of children with disabilities and determination of the best interests of the child**

(1) *State Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.*

(2) *In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*

(2) **Article 28 (1, 2(a)): The right to an adequate standard of living and social protection**

(1) *State Parties recognizes the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.*

(2) State Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

(a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance to disability related needs.

ACTIONS TAKEN

As per section 5(a) of the Ombudsperson for Children Act 2003, 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”. Pursuant to the present complaint, an investigation was opened as it is believed that the lengthy and slow administrative procedures of the institutions involved were impacting on the best interests of Child C and thus violating her rights. A series of interventions were initiated as follows:

- (1) Meeting with the Mechanical Engineer of the MPILT and the parents of Child C:** The Mechanical Engineer and the parents of Child C were convened to the OCO. They were briefed on the mandate of the OCO and on the relevance of the investigation. The Mechanical Engineer stated that he had a concern regarding the ramp and the safety of the child. He stated that he was merely following procedures and had requested the MRA to convene all relevant stakeholders to decide upon the suitability of the car. The OC concluded that the various institutions involved failed to take into account the time and costs associated with disability which violated the rights of Child C and undermined the minor’s wellbeing.
- (2) Case conference:** A case conference was organised by the OCO and could be the OC . The purpose of this action was to come up with a solution in the best interests of Child C. The attendees included [an Investigator of the OCO,] representatives of the Medical Board, Disability Unit and Administrative cadre of the MSSNSESD, an officer of the MRA, the Mechanical Engineer of the MPILT, a representative of the car dealer company. The case of Child C was discussed at length pertaining to the

violation of her rights and the impact of administrative delays on her wellbeing and that of her parents and the following points were highlighted:

- (a) The OC highlighted the fact that the parents had to pay considerable amounts monthly, which they could have otherwise used for the betterment of their child. The parents were being financially burdened due to heavy administrative procedures.
- (b) Children with disabilities and their families have the right to an adequate standard of living and are also entitled to subsidised or free support services. Quick and easy access to social protection for children with disabilities and their families is necessary because they often face higher expenditure in terms of health care and transport, among others, which can further reduce these households' standard of living.
- (c) In the end, the MRA Officer stated that his department would issue the certificate to the parents. Even the MSSNSESD concurred and affirmed that they would give clearance to Mrs X to obtain the motor car.

OUTCOME AND FOLLOW-UP

Child C's parents obtained the motor car on 05 March 2019. This was a great relief for them as they could provide their daughter with the deserved comfort. They also no longer had to pay additional transport costs for Child C's medical appointments and other trips.

Case 4: Child D, a minor with autism spectrum disorder (ASD), being deprived of his right to fair treatment and inclusive education

INTRODUCTION

According to the World Health Organisation (2018)⁵, 1 in 160 children in the world has autism spectrum disorder (ASD). ASDs vary widely but they are essentially characterised by difficulties in social communication and reciprocal interaction, repetitive behaviours and restricted interests. Raising a child with ASD can be very challenging for parents and

⁵World Health Organisation (2018). *Autism spectrum disorders: Key facts*. Retrieved on 06 August 2019 from www.who.int/news-room/fact-sheets/detail/autism-spectrum-disorders

caregivers. To improve the development and wellbeing of their children, they often require psychosocial support from specialised professionals who can help with the inclusion of the child within the family, school and community settings. Children with ASDs are prone to child rights violations. Special attention must be given to their needs and vulnerabilities when formulating local policies and laws in relation to them.

NATURE OF THE COMPLAINT

Mrs Y lodged a complaint at the OCO against the nursery of her 3-year-old son, Child D, regarding unfair treatment and discrimination towards the latter who had autism spectrum disorder (ASD). Child D used to attend this nursery since he was 2½ years old. When he was diagnosed with moderate ASD, Mrs Y informed the school accordingly and even forwarded the Occupational Therapist's guidelines as to how the school should proceed with the toilet training and communication with Child D.

Mrs Y reported that the school neither started toilet training nor involved Child D in educational and recreational activities. She deplored the lack of support towards her son despite the fact that she paid a school entrance fee of Rs 20,000, a monthly fee of Rs 4,000 and an annual sum of Rs 7,000 for activities being organised at the school. The school refused to start toilet training on the basis that they did not have time to dedicate solely to Child D. No appropriate provision was made for Child D to promote his personal and educational development, and his inclusion at school. In addition, Mrs Y highlighted that her son was left on his own. She could not afford a personal auxiliary for Child D. Mrs Y reported that the nursery asked her to place the minor in a Special Education Needs School (SENS), given that it could no longer attend to Child D's needs.

Mrs Y transferred his son to a Government Pre-Primary School (PPS). She made an application on the Citizen Support Portal requesting for an individual teacher for Child D. According to Mrs Y, this matter was being dealt by the SEN Unit of the MEHRTE SR. A parent mediator was sent to do an evaluation of Child D's needs and Mrs Y was told that a report would subsequently be prepared.

During a meeting that was then convened by the Technical Committee of the Early Childhood Care and Education Authority (ECCEA), Mrs Y observed that there was no representative of the

SEN Unit. The Committee knew little on her son's situation and was unaware of any evaluation report on him. It simply informed Mrs Y that they were attaching another Temporary Teacher to the Government PPS, but no individual or specialised teacher would be provided.

Mrs Y continued to struggle at the level of the school administration and teachers of the Government PPS advanced that they have never worked with a child with ASD. Mrs Y deplored the lack of understanding and training of the teachers on how to facilitate the integration of children with ASD at school. Mrs Y also highlighted that she still had not obtained an individual teacher for Child D. She was highly concerned on the general lack of adequate and appropriate support to children with special education needs (SEN) in local schools to promote inclusive education. She requested the intervention of the OC to ensure that no other child with SEN go through such ordeal.

REFERENCE TO INTERNATIONAL PROVISIONS

Several provisions of two main international laws were looked up during the preparation of this case:

- **Convention on the Rights of the Child (UN, 1989)**

- (1) **Article 2(2) on non-discrimination:**

- 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.*

- (2) **Article 3(1) on the best interests of the child:**

- 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.*

- (3) **Article 6(2) on the right to survival and development:**

- States Parties shall ensure to the maximum extent possible the survival and development of the child.*

(4) Article 23(1-3) on the rights of the children with disabilities:

- (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 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.*

- **Convention on the Rights of Persons with Disabilities (UN, 2006)**

Article 24 (1, 2 and 4) on the right of persons, including children, with disabilities to inclusive education:

- (1) States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:*
 - (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;*

- (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;*
 - (c) Enabling persons with disabilities to participate effectively in a free society.*
- (2) In realizing this right, States Parties shall ensure that:*
- (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*
 - (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*
 - (c) Reasonable accommodation of the individual's requirements is provided;*
 - (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*
 - (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*
- (3) In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.*

ACTIONS TAKEN

The present case depicted a very likely violation of the right to education of a child with SEN. Like every child, children with SEN have a right to education without discrimination and on the basis of equal opportunity. They should not be left out from the general education system owing to their disability and they have a right to receive the appropriate support and

assistance to enable their full participation and development. In this context, the following actions were initiated by the Ombudsperson for Children's Office (OCO):

- (1) Site visit at Child D's nursery: An OCO's Investigator, accompanied by a Support Officer, visited Child D's nursery and met with the Head Master (HM). The latter was queried on the circumstances which led to the transfer of Child D. The HM informed them that the school staff had done all that they could within the resources they had to attend to Child D's needs. She pointed out that the school does not have trained carers to cater for children with SEN. The HM also clarified that she had not asked Mrs Y to transfer her son to another school and that it was Mrs Y's sole decision.
- (2) Site visit at the Government Pre-Primary School (PPS): An Investigator of the OCO met with Child D's teacher at the Government PPS. The latter stated that she did not have any specialised training in dealing with children with SEN, particularly those with ASD.
- (3) Classroom observation at the Government PPS: Child D was observed in the class setting by an Investigator. There were 28 students in the classroom, split into 3 groups. Child D's teacher was in charge of one of these groups which consisted of only 8 pupils. There was also an attendant available to change Child D's diaper. Despite being coaxed by the teacher to play with his peers, Child D remained more interested to be and play on his own. No Individual Education Plan had been designed to meet Child D's special needs.

OUTCOME AND FOLLOW-UP

The case is ongoing and the necessary follow-ups with relevant stakeholders are being carried out.

COMMENTS

This case does indicate a gap between the policy and practice of 'inclusive education'. Are the necessary resources being provided to bridge this gap to cater for the quality education of

children with special education needs (SEN) within mainstream schools? Are mainstream teachers sufficiently trained to understand and respond to children with SEN?

‘Inclusive education’ is more than just placing a child with SEN within a mainstream school along with children without SEN, but it also involves ensuring that appropriate provisions are in place to facilitate this process for both the children and the staff. As stipulated in section 4(d) of the Special Education Needs Authority Act 2018, the Authority shall be responsible for the “harmonisation and promotion of programmes and policies for the education and holistic development of persons with special education needs in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities”. Children with ASD are a special case of children with very complex needs and their educational inclusion must take their individual diagnostic and psychosocial assessment into consideration to provide the necessary specialised support.

Case 5: Child E not allowed to sit in 6 subjects for her SC/GCE ‘O’ Level examinations

NATURE OF THE COMPLAINT

In May 2019, the OCO received a complaint from a mother who alleged that the rights to education and freedom of choice of her daughter, Child E, were being violated by her school. Child E is a Grade 11 student at a private college and has been denied the choice of taking part in 6 subjects for the upcoming SC/GCE ‘O’ Level examinations. According to the mother, the school management gave to Child E no other choice than to be examined in 5 subjects only. The mother reported that on several occasions she attempted unsuccessfully to convince the Rector and Manager that sitting in 6 subjects would increase her daughter’s chances to obtain a minimum of 5 credits and be eligible for HSC/GCE ‘A’ Levels. She also advanced that Child E’s views were disregarded. The mother told the OCO that she deplored the negative attitude of the school management towards her and Child E.

Initially, the mother had reported the case to the Private Secondary Education Authority (PSEA). She told the OCO that an officer of the PSEA said to her that the school cannot take such an important decision for the child and that the matter has to be resolved among the

student, parent and school administration. The mother told the OCO that she did not receive any written feedback from the PSEA.

REFERENCE TO THE UNCRC

The current case was investigated relative to the following articles of the UNCRC:

- (1) **Article 3 on the best interests of the child:** *“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) **Article 12 (1) on the right to free expression of the child:** *“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.”*
- (3) **Article 29 (1) (a) on the right of education of the child:** *“States Parties agree that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential...”*

ACTIONS TAKEN

As per section 5(a) of the Ombudsperson for Children Act (OCA) 2003, the OC has *“to ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals”*. In the present complaint, it appeared that the best interests, views and abilities of the child had not been given full consideration, hence an investigation was opened. The following actions were taken:

- (1) **Interview with the Manager of the school:** The Manager stated that the Child E obtained only 2 credits and failed the English language in Grade 10. He further added that, as per the forecast results given by teachers, Child E is not showing any sign of progress in her

studies. Therefore, the administration has taken the decision that the child shall sit for only 5 subjects for her SC/GCE 'O' Level examinations.

(2) **Gathering information from the Mauritius Examination Syndicate (MES):** An Investigator spoke to an Officer of the MES regarding the deadline for registration and payment for the SC/GCE 'O' Level examinations. The Officer averred that late entry fees carry fine and the school should not delay in sending this information to the MES by the end of June 2019.

(3) **Liaising with the PSEA:** The Investigator tried to speak with the responsible officer of the PSEA who was unreachable. A letter was then sent to the Director of the PSEA to submit information regarding the following:

- Based on which criteria was Child E not being allowed to sit in 6 subjects for her SC/GCE 'O' Level examinations?
- Did the PSEA perceive the decision of the Manager as justified?
- Is there any circular from the MEHRTESR regarding this issue that has been communicated to private schools?

(4) **Summon of the Manager and Rector of the private college at the OCO:** Both of them maintained their position on limiting the number of examinable subjects of Child E to 5 for the following reasons:

- At the college, students who take part in 6/7 subjects in SC/GCE examinations generally should have at least 5 credits and one or two passes in Grade 10. Child E had obtained two credits and 3 passes after repeating Grade 10 and had failed in English language. Teachers forecasted poor results for Child E. The latter is also often late at school and sometimes misses the Mathematics and English periods.
- The Manager and Rector showed the OC the signed master sheet form whereby the mother had given her consent for her daughter to take part in 5 subjects for the SC/GCE 'O' Level examinations 2019.

- They advanced that the college's continued existence depends on its success rate that generates a demand for its services. The college is judged by the PSEA/MEHRTESS solely on academic pass rate. They said that allowing the child to participate in 6 subjects might affect the overall pass rate of the college and jeopardise its reputation and functioning.
- The Manager and Rector stated that they would prefer to await the reply of the PSEA on this matter before taking any decision.

The OC explained to the Manager and Rector that she has to safeguard the rights of the child as per the UNCRC and that there is no legal provision which states that a child cannot choose the number of subjects he/she wishes for his/her examinations. She pointed out that, even if there is an internal regulation of the college which puts an obligation on the student to take 5 subjects only, it is not legally mandatory. The OC also emphasised that the school management should always disseminate clear information to parents so that they are able to make informed decisions on matters concerning their children.

(5) **Follow-up with the PSEA:** A reminder was sent to the Director of the PSEA since no response was received two weeks following the OCO's letter.

OUTCOME AND FOLLOW-UP

This case is still ongoing and follow-ups with relevant stakeholders are being carried out.

COMMENTS

This case is highlighting the need to improve current educational policies to include a more flexible and fair opportunity for students to select the number of subjects that they wish to take part in for their upper secondary examinations. This process must be carried out in concertation with parents and teachers, and must be harmonised across all public and private secondary schools of the Republic of Mauritius. Relevant stakeholders have to take into account the voices of students on this matter.

Case 6: Child F, a child with partial visual impairment not provided with a carer at school

INTRODUCTION

According to article 1 of the Convention on the Rights of Persons with Disabilities (United Nations, 2006), *“persons with disabilities are those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”*. It is therefore of utmost importance that environmental factors that impede on the effective functioning of persons with disabilities, including children, are minimised, changed or removed as far as possible relative to their best interests.

NATURE OF THE COMPLAINT

In January 2019, the mother of Child F, a 12-year old Grade 8 student with partial visual impairment, made a complaint at the OCO regarding her child being deprived of her right to be assisted by a carer at school. She explained that her child was receiving the assistance of a carer since the beginning of the year, and, following the visit of an Inspector at school to assess Child F’s case, the services of the carer were stopped, which caused a lot of distress and inconvenience to the child.

As per the mother’s statement, the Zone Director allegedly said that reliance on the carer would hinder the child’s autonomy and development. The mother said that she strongly disagreed with this statement because she is of the view that her daughter is still a minor and needs this assistance to be able to perform as well as her fellow classmates. The mother further explained that the former carer used to write Child F’s notes because she cannot see the board, while her child used a magnifier to read the notes. This made it easier for her to follow the class. The carer also helped the child whenever she had to go to the toilet or when using the stairs. Without the assistance of a carer, the child is having considerable difficulties to perform these tasks.

Moreover, the mother complained that Child F could not do her biology test as she could not understand her teacher's handwriting, which caused tremendous stress and pressure on her daughter. The mother handed over a copy of the child's medical certificate to the OCO and informed that she had made an appeal to the Special Education Needs Authority of the MEHRTESS to provide her daughter with an assistant carer and transport facilities.

The OC spoke to the child on the phone. The latter emphasised that, although her friends help her when she moves around, they do not help in writing down her notes, simply because they have to write their own notes. She deplored the lack of empathy and comprehension from her teachers whom she heard commenting at times that her place should not be in a mainstream school but in a specialised school. She also complained that she was not given extra time to finish her test in Social and Modern studies and, as a result, she received the lowest marks. Furthermore, she said that the teachers write down test questions in their own tangled handwriting instead of big font characters, which adds to her difficulties. The child contended that the school is ignoring her vulnerabilities and that the support of a carer, like before, would have solved her problem:

'Bann prof ek rekter touletan dir mo 'happy' me zot pa kone ki ena andan mwa. Mo nek bizin enn 'carer' pu ed mwa dan mo bann not. Se tu.' (Child F)

REFERENCE TO INTERNATIONAL AND LOCAL PROVISIONS

It is important to consider existing international and local provisions, legislation and policies which are applicable to the present complaint:

- **Convention on the Rights of the Child (UN, 1989):**

The complaint concerned violations of the UNCRC with respect to the Child F's rights in relation to her disability (article 23), her best interests (article 3), her education (article 28) and her right to be heard (article 12).

- **Convention on the Rights of Persons with Disabilities (UNCPRD, 2006):**

- (1) Article 7 on children with disabilities:**

(1) States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

(2) In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

(3) States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight, in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

(2) Article 24(2)(d-e) on the education of persons with disabilities, including children:

2. In realising this right, State Parties shall ensure that:

(d) persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

(e) Effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion.

- **The Policy and Strategy Document on ‘Special Education Needs and Inclusive Education in Mauritius’ (Ministry of Education and Human Resources, 2006):**

A three-pronged approach has been adopted in the process for providing access to children with disabilities:

Approach 1: Mainstream Integration

Children with a physical disability will be given access to regular mainstream schools of their region. Upon parental choice and proper assessment and referral, children with a mild or moderate intellectual or sensorial disability can be placed in the regular classroom with the additional input of a consultancy support service and ancillary staff or support teacher who will provide assistance to the classroom teacher.

Approach 2: Integrated Classrooms/Units in mainstream

Children who are more severely disabled will be given access to education in specialised educational settings, either in public schools or other schools. These specialised educational settings may be in the form of

- (i) Special education class or resource room (with special equipment and specialised staff) in mainstream schools for part-time one-to-one interaction. All schools should eventually have a special education class or resource room.*
- (ii) Special education class (integrated classroom) operating full-time on the mainstream school premises.*

Approach 3: Special Education Needs (SEN) or specialised schools

Following proper professional assessment, children who cannot be integrated in the mainstream because of their specific educational needs will attend SEN schools. Such schools will be twinned with a mainstream in the locality for joint activities.

Through these three approaches regarding access, all children with disabilities who can attend school will be provided with educational services by trained teachers, support staff and professionals.

ACTIONS TAKEN

The complaint denoted that Child F's right to receiving adequate support and assistance from authorities to maximise her academic and social development might have been compromised. It was also indicated that the best interests of the child and respect of her views on this matter had not been given full consideration. The OCO opened an investigation and carried out the following interventions:

- (1) Call for files from the MEHRTESR:** A letter was sent to the MEHRTESR requesting for reports related to Child F's case.
- (2) Interview with the school management:** The OCO spoke to the Deputy Rector of the college who stated that the MEHRTESR never gave any written authorisation to provide the concerned child with a carer in class. He also acknowledged that, although the college is not equipped to deal with children with special needs and that it is the first time that the college is dealing with this kind of issue, the management and educators have nonetheless been very cooperative in doing the best that they can to help the child in her daily activities.
- (3) Call for information from Child F's college:** The OCO sent a letter to the Rector of the college requesting information regarding the measures the management has taken in

order to address the needs of Child F at school. The Rector's reply stipulated the following:

- a. The school has written to the MEHRTESR to request for a carer to help Child F at school. The Rector specified that the person should be trained to fulfil this role effectively without being intrusive.
- b. The School Superintendent, attendants and teachers have been instructed to take special care of the needs of the child.
- c. Her Grade teacher and all educators have been apprised of the needs of the child and she is given due attention by all.
- d. The child has attended all her classes, in laboratories, art room, library and computer room located on the ground and first floors without any problems. There are no reports from Child F, her classmates, teachers or parents on any difficulties related to the child's movement in between classes.
- e. A meeting was held with all Child F's educators concerned to see how she could be better helped. Educators described Child F as very participative, jovial and expressive without the carer. They said that she used to appear rather subdued in the carer's presence.
- f. Child F is being able to follow classes as she is helped by classmates on a rotation basis. She has in her possession enlarged textbooks and is often given extra time to complete her tasks as she has a slower pace of work. She is generally able to complete simple tasks well. Nonetheless, she obviously cannot manage on her own for tasks like comprehension reading, interpretation of diagrams and practical sessions. She is also not able to participate fully in physical education though she attends the class.
- g. The toilet cleaner offers her assistance to take her to the toilet (as per instruction given by Management), but she prefers to be helped by her peers and faces no difficulties.
- h. The child seems to have adapted very well to the school environment, her classmates and her teachers.

OUTCOME AND FOLLOW-UP

The child received the assistance of a carer at her school. A relieved mother thanked the OCO and stated that her daughter is happy and faring well at school.

COMMENTS

- (1) As a ratifying country of the UNCRC and UNCRPD, it is very important for relevant stakeholders to give full consideration to the views of children with disabilities in matters that concern them.
- 2) The criteria to receive the assistance of a carer should be clarified to the school personnel and parents and the eligibility of children with mild disabilities should be considered where necessary.
- (3) The Special Education Needs Authority should closely monitor and facilitate the monitoring and implementation of special education needs policies.
- (4) The MEHRTESR could set up a database of qualified and trained carers wishing to assist children with SEN in schools.

Case 7: Child G, a 10-year-old child detained in the Rehabilitation Youth Centre upon accusation of larceny

NATURE OF THE COMPLAINT

In September 2018, the OCO received a complaint from a non-governmental organisation (NGO) regarding 10-year-old Child G, who was arrested, handcuffed, detained at Petite Riviere Detention Centre, and later transferred to the Rehabilitation Youth Centre (RYC). According to information received, Child G's father used him to steal and his mother did not want to bail him out. The complainant was concerned because Child G has had a difficult childhood and had suffered from neglect.

REFERENCE TO THE UNCRC

The OC opened an investigation based on the likely non-respect of the following articles of the UNCRC⁶:

⁶Source: UNICEF Eastern Caribbean (n.d.) Convention on the Rights of the Child: A summary. Retrieved on 09 August 2019 from www.unicef.org/easterncaribbean/children_23539.htm

- **Article 3 (Best interests of the child):** *The best interests of children must be the primary concern when making decisions that may affect them. All adults should do what is best for the children. When adults make decisions, they should think about how their decisions will affect children.*
- **Article 18 (Parental responsibilities; state assistance):** *Both parents share responsibility for bringing up their children, and should always consider what is best for each child.*
- **Article 19 (Protection from all forms of violence):** *Children have the right to be protected from being hurt and mistreated, physically or mentally. Relevant stakeholders should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.*
- **Article 37 (Detention and punishment):** *No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, or sentenced to death or life imprisonment without possibility of release. They should be able to keep in contact with their families.*
- **Article 40 (Juvenile justice):** *Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.*

ACTIONS TAKEN

Empowered by the Ombudsperson for Children Act 2003, the OC initiated the following actions:

- (1) **Initial site visit to the RYC (Boys):** On the day the complaint was lodged, two Investigators carried out a site visit at the RYC (Boys) and spoke with Child G. He stated that his father took him to steal fruits and that his father would pay for his release so that he could go to school for his exams. It was noted that the child was at times incoherent in his speech. However, according to information obtained from the RYC, Child G often fought with his classmates and had committed theft. His mother would come to visit him on Sundays, but she does not want to take him back.

- (2) **Referral for psychological support:** The OCO referred the case of Child G to the Child Perpetrator Support Unit of the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW).
- (3) **Second visit to the RYC (Boys):** Three days after the complaint was lodged, the OC this time effected a visit to the RYC (Boys) to further assess Child G's situation. She observed that there were not more than 10 minors at the RYC at that time, a situation that was enabling Child G to receive individual attention.
- (4) **Liaising with the RYC (Boys):** The following day, the OC learned that Child G was bailed out. Given the child's difficult background, the OC decided to carry out a case conference with different stakeholders in order to find potential avenues to protect the rights of Child G.
- (5) **Case conference on Child G:** Multiple stakeholders were present at the case conference at the OCO, notably, a representative from the NGO who contacted the OCO about Child G, representatives from an NGO which intervenes in cases of street children, representatives from an NGO which provides therapeutic programmes for children, officers from the Child Perpetrator Support Unit and the Alternative Care Unit of the MGECDFW, a representative from the RYC and a lawyer. The following information on Child G were retrieved:
- Child G smokes and sometimes consumes synthetic drugs and alcohol.
 - His father is a drug addict and uses him to steal.
 - His parents are separated and his mother has to take care of his other siblings.
 - He is a neglected child.
 - When he was placed at RYC, he behaved well but he was bullied by other inmates.
 - According to the reports from Psychologists of the Child Perpetrator Support Unit and the RYC, Child G would fare well if the appropriate therapeutic and environmental support are provided.

OUTCOME AND FOLLOW-UP

At the case conference, the following proposals were agreed among the present stakeholders:

- The NGO which caters for street children will provide informal education to Child G.

- A Child Psychiatrist of another NGO will carry out an assessment of the child.
- The NGO who made the complaint will provide transport to Child G.

One month later, the OC received a letter from a District Court stating that Child G's mother has made an application for 'child beyond control' because she claimed that she is unable to control her son and she wishes that the latter is sent to RYC. In this context, the District Magistrate requested a report on the case conference carried out at the level of the OCO so that the best interests of Child G are taken into consideration. After this report was sent to the District Magistrate, the OCO could no longer intervene in the case as it would be the prerogative of the Court to take a decision regarding the child.

COMMENTS

The UNCRC urged State Parties to establish a minimum age *"below which children shall be presumed not to have the capacity to infringe the penal law"*. Hence, it is crucial for the Republic of Mauritius to define a minimum age of criminal responsibility so that children under this age receive other alternative rehabilitation services than being placed at the RYC. In the present case, it was clear that Child G was being used by his father and he could not be entirely held responsible for his antisocial behaviours.

Case 8: Child H, a minor displaying challenging and risky behaviours at school

NATURE OF THE COMPLAINT

The Ombudsperson for Children's Office (OCO) received a petition signed by several parents who were requesting the removal of a minor, Child H, from the school attended by their children. According to their complaints, there have been more than 40 incidents whereby Child H has been creating havoc at school, namely, inflicting violence (hitting, biting, spitting on others) on children and teachers; damaging school property; using foul language; hitting himself; not staying in class; breaking belongings of other children; and even displaying inappropriate sexualised behaviour. The complainants feared for the safety and well-being of their children.

The parents deplored the fact that, despite having reported the case to the Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHRTESR), the Police and the Child Development Unit (CDU), nothing had been done yet. It appeared that the complainants had exhausted all institutional avenues to find solutions to their case. As a result, the OCO opened an investigation to examine whether there has been any violation of children's rights in this case and to make appropriate recommendations.

REFERENCE TO THE UNCRC

This case related mainly to four articles of the UNCRC⁷ which were used as a reference in the investigation of this case⁷:

- **Article 2 (Non-discrimination):** *No child should be treated unfairly on any basis. All children have rights, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor.*
- **Article 3 (Best interests of the child):** *The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.*
- **Article 28 (Right to education):** *All children have the right to a primary education, which should be free. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way – without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect.*

⁷Source: UNICEF Eastern Caribbean (n.d.) *Convention on the Rights of the Child: A summary*. Retrieved on 09 August 2019 from www.unicef.org/easterncaribbean/children_23539.htm

- **Article 29 (Goals of education):** *Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents.*

ACTIONS TAKEN

- (1) **Site visit at Child H's school:** Investigators met with the Headmaster of Child H's school who stated that his academic performance is very poor. Child H was observed to be roaming in the school yard. The Investigators spoke with his classmates who reported that Child H is very aggressive towards them and sometimes removes his pants in class. They also spoke with Child H who stated that he only likes to play and does not want to stay in class.
- (2) **Meeting with Child H's mother at the OCO:** Child H's mother was convened to the OCO. She stated that the school administration is not supportive and that her child is facing bitter animosity and criticism from other parents. She said that the MEHRTE SR was supposed to provide a carer for her child but nothing has been done.
- (3) **Call for psychological report from MEHRTE SR:** A report from the Senior Educational Psychologist of the MEHRTE SR was requested by the OCO. According to the report, Child H presented with anti-social and aggressive behaviours since kindergarten, he has learning difficulties, he used to follow treatment at the Brown Sequard Mental Health Care Centre, and he was prescribed medication by a Psychiatrist. The recommendations were that a positive approach should be adopted by the teacher and school administration towards Child H, and that he be provided with a support teacher who will assess him and devise a remedial educational plan.
- (4) **Correspondence to the MEHRTE SR:** The OC sent a letter to the Senior Chief Executive of the MEHRTE SR stating that Child H needs an Individual Education Plan along with

intensive individual and family-based therapy, given that the minor shows significant behavioural, emotional, psychological and social difficulties. In the spirit of inclusive education, she further recommended two different options as follows:

- i) Either Child H could be transferred to a smaller school with one-to-one support of a Specialised Educator or Carer, or
- ii) Child H could be admitted to a specialised school equipped with the necessary material and human resources to support his current needs. His progress should be monitored and regularly re-assessed to establish if he could be re-admitted to a mainstream school.

(5) **Follow-up on Child H's case:** Following the above-mentioned correspondence to the MEHRTESR, Child H was transferred to a smaller mainstream school. However, the parents of Child H called at the OCO to complain about negative and denigrating comments and attitudes inflicted upon them and their child by certain members of the new school's staff and other parents.

(6) **Review meeting with Child H's parents:** A review meeting was carried out with the parents based on their concerns with regards to the new school. After thorough discussion, the OC and the parents agreed that it might be in the child's best interests to be placed in a special education needs (SEN) school for the time being in order to help him stabilise the challenging behaviours. The OC sent a letter to the MEHRTESR to request for facilitation of the transfer process, and subsequently, Child H was admitted in a SEN school.

OUTCOME AND FOLLOW-UP

Three weeks after Child H's admission to a SEN school, a follow-up meeting was carried out at the level of the OCO with relevant stakeholders including the minor's parents, the deputy headmaster of the minor's previous school, representatives of the MEHRTESR, and the President, Educator and Psychologist of the SEN school. The parents stated that Child H's behaviour has improved and that they have a general good feeling about the SEN school. The President of the SEN school said that they had some difficulties with Child H in the beginning,

but with the help of a multidisciplinary team which includes a Psychologist, an Occupational Therapist and a Speech Therapist, there have been positive changes in the minor's behaviour.

COMMENTS

As mentioned in the introduction of Case 1, the OCO receives a considerable number of cases of children having behavioural problems at school. Teachers should be empowered and provided with the necessary specialist support to work with children having challenging behaviours.

Case 9: Child I rusticated from a private secondary school and denied participation in school examinations

NATURE OF THE COMPLAINT

A mother complained at the OCO that her 17-year-old son, Child I, was rusticated from his private secondary school near to his end-of-year examinations for which he had not yet received his timetable. She was worried on whether he would be able to sit for these examinations. The mother explained that Child I had been found on two occasions outside the classroom during school hours with three other friends. The Rector had given the boys a first warning in the presence of their respective parents. However, Child I repeated this misbehaviour. The mother was called at the school and was informed that his son had been expelled with immediate effect.

REFERENCE TO THE UNCRC

The case was developed on the basis of the following four articles of the UNCRC:

- **Article 2(2) (non-discrimination):** *"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) (best interests of the child):** *“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.”*
- **Article 12 (2) (the right to be heard):** *“the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child...”*
- **Article 28(2) (the right to education):** *“State parties shall take 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.”*

ACTIONS TAKEN

- (1) **Liaising with the Private Secondary Education Authority (PSEA):** The OC contacted the PSEA about the issue. The Officer explained that the Rector will be contacted and that the student cannot be denied his timetable.
- (2) **Interviews with the minors:** Child I and the three other students were interviewed by the OC and an Investigator. They stated that they were caught by a teacher smoking in a store and playing cards. The latter locked them in the store with no ventilation and returned with the Rector afterwards where they took pictures of the students and accused them of being drug addicts. Their respective parents were called at school on the following day. They were told that their children were rusticated and that they would not be able to take part in school examinations. The Rector did not provide them with their timetables. The boys insisted that they did not take drugs. The OC reminded the minors that they should abide by the rules and regulations set forth by the school while in its premises. She advised them to address a letter of apology to the Rector and ask for forgiveness regarding their misbehaviours.
- (3) **Summon of the Rector at the OCO:** The OC convened the Rector of the secondary school at the OCO’s office to hear his version of the issue. He explained that there was a serious issue of drugs in the college. He provided photos of the students. He informed

that he had not made any firm decision on the actions to be taken against the students and was waiting until after the meeting with the OC. He also added that the students had previously been caught smoking an unknown substance at school and were involved in vandalism acts, including graffiti on school walls. The OC recommended the Rector to hand over the examination timetables to the students and to update her on any situation arising with the minors.

OUTCOME AND FOLLOW-UP

The actions taken had positive outcomes. Through the request made by the OC, the students sent a letter of apology to the Rector acknowledging their misbehaviours. The Rector agreed to provide the students with their examination timetable and allowed them, including Child I, to participate in the final examinations.

COMMENTS

The UNCRC requires that school discipline be administered in a manner consistent with the child's dignity and other rights, such as the right to be heard on matters that affect him/her. Even though the Rector had administered school discipline in a way he deemed fit, this approach had to be reviewed with the OC's intervention so that the best interests of Child I and his friends could be given primary consideration.

Case 10: A minor with disability, Child J, deprived of his right to free transport

NATURE OF THE COMPLAINT

The grandfather of Child J, a 16-year-old boy who is a student at a registered Special Education Needs (SEN) school, complained that the travel bus pass of his grandson had not been renewed after he turned 15 years old. The grandfather explained that he contacted the Ministry of Social Security, National Solidarity and Environment and Sustainable Development (MSSNSED) who informed him that his grandson should be the beneficiary of a Basic Invalid's Pension (BIP) to be allocated a new bus pass for disabled people.

Upon examination by the Medical Board of the MSSNSED, his grandson was found to be

ineligible for the BIP on account of him not being substantially disabled (i.e. incapacitated to a degree of at least 60 per cent). He was requested to call at the Social Security Office of his region to find out if the child satisfied all the conditions required for social aid. The grandfather then contacted the National Transport Authority (NTA) to apply for a standard student ID card which is granted to all Mauritian students, but he was told that this could not be provided if the child was not being granted the BIP.

The grandfather was finding this situation difficult as he had to pay Child J's full bus fares since the expiry of the latter's bus pass. He wanted to find a solution to this issue at the earliest as no relevant authority had been able to help him until now. As per the policy of the MEHRTESS, it is specified that all children should be able to attend school with free public transport without discrimination.

REFERENCE TO INTERNATIONAL PROVISIONS

The present complaint was reviewed based on the following international provisions:

- **Convention on the Rights of the Child (UN, 1989)**
- (1) **Article 2(2) (non-discrimination):** *"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."*
- (2) **Article 3(2) (best interests of the child):** *"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) **Article 23(3) (children with disabilities):** *"Recognizing the special needs of a disabled child, assistance (...) 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, (...) 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) Article 26(1-2) (the right to social security):

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.*

(5) Article 28(1)(b) (the right of the child to education): *State Parties shall “take appropriate measures such as the introduction of free education and offering financial assistance in case of need”.*

- **Convention on the Rights of Persons with Disabilities (UN, 2006)**

Article 28(2) (the right of persons with disabilities to adequate standard of living and social protection): *“States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right.”*

ACTIONS TAKEN

- (1) **Contact with the SEN School Manager:** The School Manager informed the OC that several other children were in the same situation as Child J and had not been granted free bus passes.
- (2) **Correspondences to authorities:** The OC addressed a letter to the MEHRTE SR, describing the situation on how the authorities concerned have not been able to provide a bus pass to Child J and advocating that the issue of this bus pass will be in the best interests of the child. She emphasised the MEHRTE SR’s policy regarding the right for children to attend school by public transport freely and without discrimination. The

OC requested for immediate actions to be initiated by the said Ministry in order to grant bus passes at the earliest to the students of the SEN school who travel by public transport. A copy of the letter was also sent to the Disability Unit of the MSSNSED.

- (3) **Correspondence from MEHRTER:** The OC received a response from the MEHRTER, which stated that the case had already been referred to the NTA and that provision for bus passes for the SEN learners had been made. The OC phoned the complainant to update him on the progress of Child J's case.

OUTCOME AND FOLLOW-UP

The actions taken proved to be successful, not only for Child J but also for all the other students of his SEN school who use public transport. Through the OC's advocacy on the rights of the child, the NTA agreed to provide bus passes in the best interests of the SEN students even if they had passed the age of 15 years old. The OC called the complainant for a follow-up and was informed that Child J and his friends from the SEN school had successfully received their bus passes.

COMMENTS

Children with disabilities or special educational needs might not always fit chronological age criteria set to determine access to certain services and opportunities. Hence, it is important to consider the concept of 'age relaxation' for these children, whereby unfair age limits do not hinder their access to education, free transport or other opportunities. Administrative procedures to process applications for services and social aid for this target group must be fast-tracked for the benefit of these children. Their best interests must remain at the centre of all decisions concerning them.

Case 11: Issues regarding children's right to water and good hygiene at school

NATURE OF THE COMPLAINT

The OCO received a letter from the President of the Parents Teachers Association (PTA) of a primary school regarding a serious water issue that was affecting the wellbeing of all children

and staff. There was not adequate water in the school toilets and the water pressure was constantly low. The President explained that, although several complaints were made to the Central Water Authority (CWA), no actions have been taken so far to solve the issue. This situation put at risk the health and safety of about 200 school children and the President wished to have the support of the OC in protecting the rights of these children.

REFERENCE TO THE UNCRC

In this particular case, three articles of the UNCRC were likely to be violated as shown below:

(1) Article 3(1-2) (best interests of the child):

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.*

(2) Article 24(1 & 2 (c) (the right to health and basic necessities):

1. *States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health*
2. *States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:*
 - (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.*

(3) **Article 27(2) (the right to a good standard of living):**

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.

ACTIONS TAKEN

- (1) **Liaising with the Headmaster of the primary school:** The Headmaster explained to the OCO that the 200 school children were currently being deprived of their right to clean water, which is a basic need, and he deplored the lack of good hygiene. He added that the prevailing smell is unbearable for the students and that this needed to be resolved at the earliest.
- (2) **Liaising with the CWA:** The OCO immediately contacted an Inspector of the CWA to explain the school's situation and requested that appropriate measures be taken urgently. The OC emphasised that it was a recurring issue and, therefore, actions should be taken to prevent this situation from arising in the future. The CWA Inspector stated that immediate actions shall be implemented to remedy this issue and that a water tanker is going to be sent to the school.
- (3) **Follow-up with the Headmaster:** The OC requested the Headmaster to inform her office on the progress being made concerning this issue.

OUTCOME AND FOLLOW-UP

The Headmaster notified the OC that the water tank had been installed at the school.

COMMENTS

One cannot talk about the protection and promotion of children's rights if the basic rights of the children are not fulfilled. Water supply, sanitation and hygiene facilities in schools have to be provided by the concerned authorities so that the rights to education and health of children are fully respected.

Case 12: The child's right to breastfeeding disrupted by the mother's job situation

NATURE OF THE COMPLAINT

The mother of a five-month-old baby complained at the OCO that her new job posting is making it difficult for her to exclusively feed her baby. She is an employee of a company and, after her maternity leave, she was entitled to one-hour time-off for breastfeeding as prescribed by the law. However, she recently received a letter from the Human Resource Manager informing her that she was being transferred to an office, which is far from her place of residence. As per the doctor's instructions, she has been exclusively breastfeeding her baby, and this situation has become an issue as the duration of the time-off is ineffective for her to travel home to feed her baby.

The mother wrote a letter to her Human Resources Manager to request him to reconsider the decision about her posting, explaining that she was in a period of adjustment as a new mother and has been advised by the doctor to breastfeed her baby until the age of one. She also provided a medical certificate from her baby's Paediatrician, stating that the baby was exclusively breastfed and that disruption of breastfeeding is against the World Health Organisation (WHO) principles. The minor's mother is requesting for the intervention of the OC as she is worried about the consequence of her job situation on her newborn's health.

REFERENCE TO THE UNCRC

In this particular case, three articles of the UNCRC were likely to be violated:

- **Article 3(2) (best interests of the child):** *"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."*
- **Article 5 (parents' rights and duty towards their child):** *"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.”

In this particular case, three articles of the UNCRC were likely to be violated:

- **Article 24(1 & 2(c & e)) (the child’s right to health):**
 1. *States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health (...)*
 2. *States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:*
 - (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 (...)*
 - (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 (...)*

ACTIONS TAKEN

- (1) **Correspondence to the General Manager of the company where the mother works:**

The OC wrote to the General Manager about the mother’s complaint and requested to obtain more clarity on this issue. The OC explained that the well-being of a newborn baby was at stake as the mother was exclusively breastfeeding, and that the travelling distance to and from her new job posting was an issue. She emphasised the importance of breastmilk for newborn babies and that the WHO recommends it as an essential and nutritious food in the first months of a baby’s life. The OC requested that a report on the circumstances that led to the transfer of the mother be submitted to the OCO as soon as possible.

- (2) **Correspondence from the company:** The Acting General Manager of the company wrote back to the OC to inform her that the mother was transferred as a result of the retirement of another employee. He added that there was no other officer residing closer to the office available to take the post. He also stated that priority would be given to the mother to be transferred nearer to her place of residence as soon as an opportunity arises. Meanwhile, he offered that fifteen additional minutes time-off would be granted to the mother for breast feeding.
- (3) **Contact with the mother:** The OC informed the mother about the company's response and the latter was agreeable to the additional fifteen minutes time off.
- (4) **Follow-up with the company:** The OCO sent a letter to the Acting General Manager of the company to inform him that the mother had agreed to the additional time-off being granted to her.

OUTCOME AND FOLLOW-UP

The actions taken benefitted both the mother and her baby. Through the OC's intervention, the mother was able to get 15 minutes time-off in addition to the entitled one-hour nursing break. The OC informed the mother that, as far as her transfer issue was concerned, the OCO could not interfere further as this was not under her mandate.

COMMENTS

Maternity leave and breastfeeding are directly linked to the rights to survival, good nutrition, health and adequate care of the newborn child. In the OCO's Annual Report 2017-2018, the OC made several recommendations pertaining to maternity and breastfeeding. She was happy to note that, within the budgetary measures 2019-2020, the Government has harmonised provisions for mothers in the public and private sectors in that, a public officer who is nursing her unweaned child is now also entitled to one-hour nursing breaks for a period of six months post-birth.

Case 13: Reinstating the right of Child K to have contact with both his parents through mediation

NATURE OF THE COMPLAINT

A father reported to the OCO that he recently got separated from his wife and that the latter had taken their 11-year-old son, Child K, along with her to her parents' house. According to Child K's father, the maternal grandmother was influencing his wife and son to stop talking to him. He also mentioned several incidents where his son was unwilling to meet or talk to him. The father believed that his phone conversations with his son were being overheard by the grandmother, resulting in Child K not being able to talk freely with him. He also added that his son seemed disturbed when he met him at school. The father felt that these situations were having a negative impact on his son's wellbeing. He told the OC that he did not want any court hassles because he did not wish his son to go through legal matters. He requested the OC to intervene in the matter.

REFERENCE TO THE UNCRC

In this specific case, four articles of the UNCRC are likely to be violated namely:

- (1) **Article 2(2) (non-discrimination):** *"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...beliefs of the child's parents, legal guardians, or family members."*
- (2) **Article 3(2) (best interests of the child):** *"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) **Article 9(3) (separation from parents):** *"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) **Article 18 (parental responsibilities):** *“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.”*

ACTIONS TAKEN

- (1) **Preparations for the mediation:** The OC informed Child K’s father that his wife and him would be convened to the OCO for a mediation. The father was also informed that Child K would shortly be taking part in the PSAC examinations and that he would only be called at the OCO after his examinations to avoid any distress. The mother was sent a summon letter for the mediation at the OCO.
- (2) **Mediation meeting:** The OC briefed Child K’s parents on the mandate of the OCO and the purpose of the mediation. They were informed that the mediation was being held with respect to their son’s best interests. The OC provided them information about alternatives to an adversarial divorce/separation.

During the mediation, the OC pointed out that the parents need to work together and create a parenting plan that honoured each parent’s unique contribution to their children’s upbringing. The parents were also apprised that communication should be maintained in order to allow things to run smoothly for Child K irrespective of whether his parents are divorced or not. Child K’s parents were also requested to impart respect towards each other as parents. Both parties asserted that they would work hard towards establishing better communication between them and would ensure that their personal conflicts do not affect their son’s upbringing.

OUTCOME AND FOLLOW-UP

The mediation process with the minor’s parents was successful. Both parents stated that they would make sure that any personal conflicts between them in the future does not affect their son and that they would go through the divorce while keeping in mind their child’s best interests. The minor’s parents thanked the OC for helping them. It is noteworthy to mention that the OCO has been conducting an awareness campaign on parental alienation in CAB offices around Mauritius to sensitise people about this issue.

COMMENTS

The OC believes that parental alienation is a serious form of child abuse. Children of divorced/separated parents are often drawn into the parent alienation syndrome by being coerced into an alignment with the more powerful custodial parent which causes tremendous damage to the child's wellbeing. This phenomenon is rising and it is important that relevant stakeholders carry out awareness programs within the parent population on the nature of parental alienation and its consequences on children. Children's best interests should always be the main focus.

Case 14: The right to social security of Child L, an orphaned minor with disability, impeded due to an administrative issue

NATURE OF THE COMPLAINT

The grandmother of a 10-year-old minor, Child L, reported that the latter became an orphan after the death of his mother last year and has been in her care since then. Child L has Autism Spectrum Disorder (ASD) and is currently attending a Special Education Needs (SEN) School. The grandmother informed the OC that Child L has been receiving the Basic Orphan's Pension (BOP) since his mother passed away and he also benefitted from the Basic Invalid's Pension (BIP) for his ASD.

The grandmother however alleged that Child L had not received the BOP and BIP over the last four months. She said that she is doing her best to care for her grandson but these social aid grants are essential to them to better cater for the child's needs. She also remarked a typographical error in the date/month on the pension award form which she thought may have affected the social aid payment. She was worried about this situation and requested the OC to do the needful in order for Child L to be granted the pensions.

REFERENCE TO THE UNCRC

In this case, five articles of the UNCRC are likely to be violated:

- (1) **Article 2(2) (non-discrimination):** *"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."

- (2) **Article 3(2) (best interests of the child):** *"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) **Article 23(2) (children with disabilities):** *"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."*
- (4) **Article 26(2) (the right of the child to social security and aid):** *"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."*
- (5) **Article 27(3) (the child's right to a good standard of living):** *"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."*

ACTIONS TAKEN

The OCO addressed a letter to the Ministry of Social Security, National Solidarity and Environment and Sustainable Development (MSSNSED) to inform them about the complaint received. The OCO explained to them that Child L had not received his BOP and BIP since the start of the year due an alleged typographical error regarding the date/month in his pension form. The OC recommended an urgent intervention for the referred case while taking into consideration Child L's best interests and needs. The OC also requested a report from the MSSNSED concerning this case.

OUTCOME AND FOLLOW-UP

During a phone follow-up with Child L's grandmother, she informed the OCO that her grandson has successfully recovered the social aid pensions.

COMMENTS

The OC believes that, in the best interests of children in need of social aid, public bodies should facilitate and expedite access to these grants and prevent any administrative delays or inconvenience. Good governance is *sine qua non* to promoting and protecting children's rights.

Case 15: Complaint made regarding the travel conditions of Agalean children aboard the 'CGS Barracuda'

NATURE OF THE COMPLAINT

The OCO received a letter of complaint from parents of Agalean students studying in Mauritius. They expressed their concerns about the poor conditions in which their children travelled on board of the ship 'CGS Barracuda' in order to get to Mauritius. The parents reported that their only demand was that their children travelled in cabin class. They stated that, although this condition was agreed upon by the General Manager of the Outer Islands Development Corporation (OIDC) and by the Commandant of the 'CGS Barracuda' about one hour before the vessel's departure, only one female student was able to travel in cabin class. The other female students travelled in dormitory at the lower level of the vessel together with some of the crew, where no bathrooms or toilets were available.

The parents informed the OC that they were disappointed with the disrespect shown to them and their children, despite having been assured by the officials that their request had been accepted. They stated in their letter that this was not the first time that this situation had occurred. They could no longer trust these officials to offer proper care to their children on board of the vessel. They emphasised that they would not send their children on the 'CGS Barracuda' in the future and that they would be grateful if another means of transport could be found for the following year. They maintained that their children deserve to be treated with equality and that suitable measures must be taken to solve this issue for their children's wellbeing.

REFERENCE TO INTERNATIONAL PROVISIONS

In this case, four articles of the UNCRC are likely to have not been respected as follows:

(1) **Article 3(1-2) (best interests of the child):**

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.*

(2) **Article 24(2)(e) (the child's right to proper hygiene and necessities):** *"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..., hygiene and environmental sanitation and the prevention of accidents"*

(3) **Article 27(2) (the child's right to a good standard of living):** *"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."*

(4) **Article 28(1)(c) (the child's right to education):** *"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 (...) [m]ake higher education accessible to all on the basis of capacity by every appropriate means"*

ACTIONS TAKEN

- (1) **Site visit on the 'CGS Barracuda':** The OC requested to inspect the 'CGS Barracuda' in person in order to ensure that the well-being and safety of children travelling on the vessel were being respected. From the observation made, the OC did not find any issue which could be a hazard for the child travellers.
- (2) **Correspondence to the OIDC:** The OC wrote a letter to the General Manager of the OIDC

and asked for a written report regarding any actions taken concerning the request made by the parents of the Agalean students.

OUTCOME AND FOLLOW-UP

The General Manager of the OIDC responded to the OC's letter and informed her about the following:

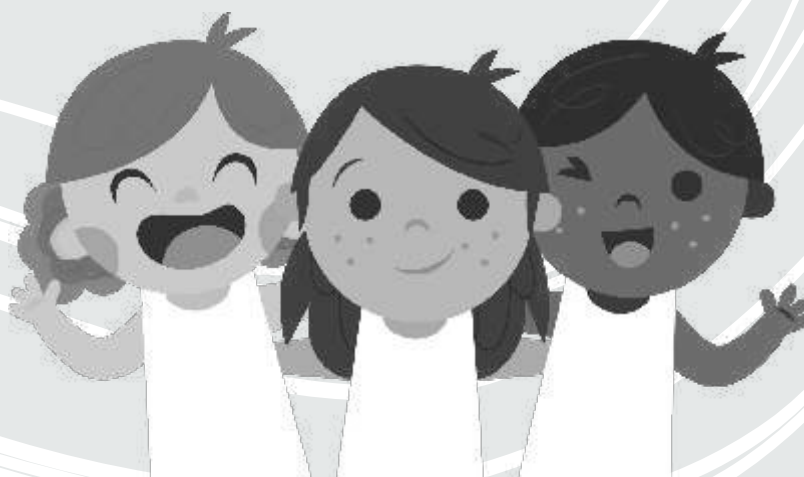
- The CGS Barracuda has only one four-bunk bed compartment with attached bathroom, which accommodated two female students and two Women Police Constables from Agalega.
- The male students were accommodated in a separate compartment with other officers, but without attached bathrooms.
- Following a Cabinet's decision, it was highlighted that sorties of the Dornier from Agalega are restricted only to extreme emergency cases such as casualty and medical evacuation. Moreover, along with being dangerous, Agalega's airfield is not a civil certified one and therefore not appropriate for aircraft operations.
- In the event that the construction of the airstrip in Agalega is completed by the end of 2019, the OIDC will consider the possibility of chartering the Dornier aircraft for the return of students at the start of January 2020 as requested by the parents.
- The General Manager added that if the airstrip was not completed, the OIDC will have to continue to use the vessel for the return of students as there is no other means of transport available for this purpose as at now apart from the 'CGS Barracuda'.

COMMENTS

The OC has the statutory duty to ensure that the rights, needs and interests of children are being respected in the Republic of Mauritius as per the UNCRC and this undeniably includes children of Agalega. The OC always makes it a must to listen to the voices of Agalean children and often involves them in workshops organised by the OCO.

CHAPTER 2

APPLYING A CHILD RIGHTS LENS TO THE 2019-2020 BUDGET



2.1 Budgeting to promote children's rights

The Republic of Mauritius has ratified the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child since 1990 and 1992 respectively. On Friday 07 June 2019, the Cabinet took the decision to domesticate the UNCRC as a demonstration of its commitment to promote and protect the right of our children. This is a laudable decision, especially when it is evident that the children of our Republic today face a number of challenges. They are not only at risk of being neglected, and abused verbally, emotionally, physically and sexually, but an increasing number of them is being considered as offenders themselves.

Child rights defenders, social workers, psychologists, educationists and policy decision makers are all seeking solutions that can successfully overcome this unpredicted and unprecedented situation. **In this difficult context, budgeting to promote children's rights becomes a MUST.**

In my role as the Ombudsperson for Children (OC), I considered it my duty to **take stock of the 2019-2020 Budget Speech from a child rights perspective, and assess whether the government is investing in children**, that is, if it intends to provide sufficient funds to translate its policies into the delivery of quality services to children.

2.2 Encouraging statements from the Budget Speech

In the Budget Speech 2019-2020, the Honourable Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, and Minister of Finance and Economic Development, Mr Pravind Kumar Jugnauth, affirmed, among others, that

- the economy is on stronger foundations;
- the unemployment rate and poverty are trending down;
- the income gap between the richest and the poorest is narrowing;
- workers are now better paid, especially those at the lower rung, with the introduction of the minimum wage last year; and
- inflation is low and under control.

It is important to note that, according to the African Report on Child Wellbeing 2018 (African Child Policy Forum [ACPF], 2018)⁸, Mauritius was at the top of the league last year as the most child-friendly African government. The child-friendliness measure was mainly based on how well African countries did with respect to the

- (a) *adoption and implementation of comprehensive laws and policies to provide adequate protection to children;*
- (b) *allocation of a relatively higher share of their available resources for programme and sectors benefiting children; and,*
- (c) *improvement of children's access to basic needs and services, and achievement of higher overall wellbeing.*

(ACPF, 2018, pp.xxi-xxiii)

No country can fulfil children's rights without first achieving economic stability. A stable economic situation will undoubtedly allow better scope for sufficient and efficient expenditure towards child-sensitive programmes. As promoted by article 4 of the UNCRC,

*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.*

2.3 Measures in the Budget Speech and their relation with the UNCRC

A government's budget is usually reflective of the State's priorities within a particular timeframe. It can also provide an indication on whether the country is committed to invest resources in the fulfilment of their local and international obligations towards children. Several indicators can be used to determine whether a budget is child-friendly (Save the Children, n.d.)⁹, for instance, it can involve, among others,

⁸African Child Policy Forum (2018). *African Report on Child Wellbeing 2018: Progress in the child-friendliness of African Governments*. Addis Ababa: Central Printing Press.

⁹Save the Children (n.d.). *Budget Analysis and Tracking*. UK: The Open University.

- measures that prioritise and support child rights implementation;
- direct, adequate and meaningful allocation of resources to fund programmes that enhance the lives of children;
- initiatives that do not discriminate among children based on their gender, religion, place of living, family background or any other status;
- a multi-stakeholder participatory approach in the design and implementation of the budget including the inputs of children; and
- monitoring and evaluation mechanisms that follow up on the efficacy and impact of child-related budgetary measures.

In the Budget Speech 2019-2020, I identified a number of measures proposed that directly involved diverse groups of children. I also observed that certain initiatives that could have initially appeared to be unrelated to children were in fact contributing indirectly to their wellbeing.

In my analysis of the budget, I tried to assess the relation of these measures to the UNCRC. The table I provided below shows three columns. The left column contains an overview of the main measures in the Budget Speech which I identified to be relevant to children. The middle column provides a list of articles of the UNCRC that relate to these measures. In the right column, I explain briefly on how the measures link to the UNCRC.

For the purpose of this table, I have only used the summarised version of the relevant provisions of the UNCRC. The full articles of the UNCRC can be accessed from the following link: www.ohchr.org/en/professionalinterest/pages/crc.aspx.

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Education		
<ol style="list-style-type: none"> 1. Introduction of a new programme named the 'Leader in Me' in 20 schools for students of Grade 7 with the aim to equip them with the socio-emotional competencies they need to achieve desired outcomes of education 2. Introduction of 'Les Amis de Zippy' project which focuses on the social and emotional wellbeing of children aged between 3 and 5 years old on a pilot basis with 20 public pre-primary schools 3. Distribution of tablets to Grade 4 students 4. Provision of greater non-academic support services to students (e.g. recruitment of Educational Psychologists, Educational Social Workers and Discipline Masters) 	<p>Article 28 (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.</p> <p>Article 29 (goals of education) Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.</p>	<p>The lion's share of the child budget has been allocated to the Ministry of Education and Human Resources, Tertiary Education and Scientific Research. This is reassuring because education is a fundamental right for every child and is indispensable for the exercise of other rights. In our Republic, primary and secondary education is free and compulsory until the age of 16 years. Emphasis has also been placed on the improvement of the socio-emotional wellbeing, discipline and security of students through the implementation of educational</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Education (ctd)		
<p>5. Equipment of 20 State Secondary Schools with ramps, handrails and adapted toilets for disabled students</p> <p>6. Operationalisation of the Special Education Needs Authority (SENA)</p> <p>7. Investment into NGOs running Special Education Needs School</p> <p>8. Setting up of a Fortified Learning Environment (F L E) U n i t a n d transformation of 50 primary schools in poverty areas into FLE Schools with the support of NGOs with the aim of countering the effect of poverty on educational attainment of the child</p> <p>9. Specialised and focussed support to students in the Extended Programme</p>	<p>Article 23 (children with a disability)</p> <p>A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.</p>	<p>programmes and recruitment of appropriate human resources.</p> <p>Improving the accessibility to schools for children with physical disabilities is an important step towards inclusive education.</p> <p>The operationalisation of the SENa can enhance the quality monitoring of services provided to children with special educational needs.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Education (ctd)		
<p>10. Implementation of the Drug Use Prevention Programme in all secondary schools</p> <p>11. Day-time security services extended to additional primary and secondary schools situated in high risk areas</p> <p>12. Expansion and upgrades in the learning environment of different schools (e.g. new schools, multi-purpose halls, playgrounds, specialist rooms)</p> <p>13. Better infrastructure for the training of teachers</p> <p>14. Upgrade the training of Prevocational Educators</p>	<p>Article 33 (drug abuse)</p> <p>Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.</p>	<p>Enhanced school infrastructure also promotes the right to better quality education of the students.</p> <p>Investment in teacher training also promotes the right to education of all children.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Health & Nutrition		
<ol style="list-style-type: none"> 1. The upcoming implementation of the e-health project so that data on the medical history of patients are available to all hospitals across the country in real time 2. Expansion and modernisation of public hospitals 3. Establishment of a Food Standards Agency to set standards on fast food and soft drinks 4. Supply of wheat flour that is fortified with iron and folic acid 5. Harness the potential of Biotechnology for Improving food processes and health care 6. Upgrades the existing dispensary into a modern full-fledged mediclinic in Agalega 	<p>Article 24 (health and health services)</p> <p>Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.</p> <p>Article 6 (life, survival and development)</p> <p>Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.</p>	<p>The measures announced support the right to health of children. The digitisation of medical records will enhance the quality of health care for children. The regulation on fast food and soft drinks can help in decreasing the incidence of unhealthy food habits and health problems such as obesity, diabetes and other non-communicable diseases among children and young people. Enhancing the nutritiousness of basic foods promotes the right of children to grow and develop soundly.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Housing & Standard of Living		
<ol style="list-style-type: none"> 6000 housing units to be constructed on 16 sites around the country for low income families Building Materials Grant Scheme to provide more support to families for the construction of their dwellings More support to middle income families who are investing in their own dwellings Increase in the income exemption thresholds for all categories of taxpayers Lowering of excise duties and waiving VAT on certain basic commodities A new housing scheme in Rodrigues, Agalega and Outer Islands to consolidate vulnerable houses 	<p>Article 27 (adequate standard of living)</p> <p>Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p> <p>Article 18 (parental responsibilities and state assistance)</p> <p>Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.</p>	<p>A good, warm and safe home is crucial to all aspects of children's well-being. Providing support to low- and middle-income families to build or enhance their houses promotes the right to adequate housing and standard of living of their children. This is also in line with the Sustainable Development Goal (SDG) that is targeting to ensure access for all to adequate, safe and affordable housing and basic services by 2030.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Social Security		
<ol style="list-style-type: none"> 1. 5,000 families under the Marshall Plan Social Contract Schem benefitting from substantially higher support 2. Investment in national programmes focussing on Crèches/Nursery and on additional support to vulnerable children at primary and secondary level 3. Increase in the monthly social aid benefit in the case of multiple births 	<p>Article 26 (social security)</p> <p>Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.</p> <p>Article 18 (parental responsibilities and state assistance)</p> <p>Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.</p>	<p>Increasing financial support to low income families will allow them to cater better for the basic needs of their children as well as improve their capacity to provide their children with better food, clothing, and leisure and educational materials among others.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Transport / Mobility		
<ol style="list-style-type: none"> 1. Upcoming operation of the Metro Express 2. Reduction of the road tax for vans, with up to 15 seats, used as school buses and removal of customs duty on importation of these vans 	<p>Article 27 (adequate standard of living)</p> <p>Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p> <p>Article 28 (right to education)</p> <p>Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights.</p>	<p>Modernising our transport systems can improve children's access to school and recreational facilities as well as their safety while travelling.</p> <p>In addition, the reduction of the road tax for school vans can encourage more drivers to provide this service to school children, therefore facilitating the movement of more children to school.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Infrastructure		
<ol style="list-style-type: none"> Investment in infrastructural projects involving the construction of gymnasiums, open gyms, football facilities, health tracks, children playgrounds, new market fairs, multipurpose halls and multi user games area Investments in improving road conditions across the island Better drainage systems 	<p>Article 27 (adequate standard of living)</p> <p>Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p> <p>Article 31 (leisure, play and culture)</p> <p>Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p> <p>Article 24 (health and health services)</p> <p>Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.</p>	<p>These infrastructural developments will increase the number of leisure facilities that can be safely accessed by children. This can improve the physical and mental health of children, as well as their socialisation skills in the community.</p> <p>This can also help in the fight against different social ills affecting children in our society.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Environment		
<ol style="list-style-type: none"> 1. Increase in the support for the production and use of local renewable sources of energy 2. Promotion of a safer and more secure living environment 3. Actions to improve road safety 4. A national campaign of cleanliness and embellishment of the whole island 5. Actions to improve waste management and address the problem of pollution 	<p>Article 27 (adequate standard of living)</p> <p>Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.</p> <p>Article 6 (life, survival and development)</p> <p>Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.</p> <p>Article 24 (health and health services)</p> <p>Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.</p>	<p>Children have a right to grow and develop within a clean, beautiful and safe physical environment. The shift towards the use of local renewable energies is also essential for the sustainability of future generations.</p> <p>Children can also actively participate in cleanliness campaigns, express themselves on this matter and learn to feel responsible for the environment.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Sports & Leisure		
<ol style="list-style-type: none"> 1. Creation of Active Mauritius for Sports for All to encourage the population to become active 2. A fully equipped gym to promote health and wellbeing of citizens in Agalega 3. World class sports facilities for athletes to promote wider participation of the population in sports and physical activities 	<p>Article 31 (leisure, play and culture)</p> <p>Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p> <p>Article 24 (health and health services)</p> <p>Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.</p>	<p>Children have a right to grow and develop within a clean, beautiful and safe physical environment. The shift towards the use of local renewable energies is also essential for the sustainability of future generations.</p> <p>Children can also actively participate in cleanliness campaigns, express themselves on this matter and learn to feel responsible for the environment.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Arts & Culture		
<ol style="list-style-type: none"> 1. Setting up of an Intercontinental Slavery Museum 2. Renovation of the Port Louis Theatre 3. Decentralisation of the services of the Conservatoire de Musique Francois Mitterrand 4. A full-fledged library for inhabitants of Agalega 	<p>Article 31 (leisure, play and culture)</p> <p>Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p> <p>Article 13 (freedom of expression)</p> <p>Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.</p> <p>Article 29 (goals of education)</p> <p>Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.</p>	<p>The setting up and renovation of these structures can promote the artistic talents and cultural awareness of children.</p> <p>These initiatives contribute to the children's rights to leisure, culture, freedom of expression and, essentially, their education.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Women's empowerment		
<ol style="list-style-type: none"> 1. Additional facilities in Women's Empowerment Centres 2. No restriction on the number of confinements for fully paid maternity leaves in the public service 	<p>Article 18 (parental responsibilities and state assistance)</p> <p>Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.</p> <p>Article 24 (health and health services)</p> <p>Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy.</p>	<p>Empowering women is one way of empowering families to support the best interests of their children. The restriction lifted on fully paid maternity leaves is now a relief for women who have more than 3 children. It is well known that supporting children's needs in their first years of life is a demanding and costly process for parents.</p>

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Women's empowerment (ctd)		
3. Permission for a public officer to nurse an unweaned child for a period of six months as from the date of birth	<p>Article 6 (life, survival and development)</p> <p>Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.</p>	<p>In addition, allowing all mothers, whether they work in public or private sectors, to take nursing breaks for a period of six months following the birth of their child, is in line with the SDGs on nutrition, food security and poverty reduction by 2030. It also aligns with the recommendation of the World Health Organisation (2018)¹⁰ to facilitate exclusive breastfeeding¹¹ with infants.</p>

¹⁰World Health Organisation (2018). *The World Health Organization's infant feeding recommendation*. Retrieved on 19 June 2019 from www.who.int/nutrition/topics/infantfeeding_recommendation/en/

¹¹Exclusive breastfeeding is providing to infants "no other food or drink, not even water, except breast milk...for 6 months of life, but [allowing] the infant to receive oral rehydration solutions, drops and syrups" (WHO, 2018).

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Child protection		
1. Recruitment of 10 additional Family Welfare Protection Officers and 5 more Enforcement Officers	<p>Article 19 (protection from violence, abuse and neglect)</p> <p>Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.</p> <p>Article 25 (review of treatment in care)</p> <p>If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.</p>	More human resources in the field of child protection can improve the coverage and timeframe of interventions with children who are at risk or victims of different forms of abuse.

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Child protection (ctd)		
2. Increase in the budget of the Foster Care programme	<p>Article 20 (children unable to live with their family)</p> <p>If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care [including foster placement], that is continuous and respects the child's culture, language and religion.</p>	An increase in the Foster Care budget can help with professionalising this family-based programme so that residential care is only used as a measure of last resort for children in need of protection.
Good governance and administrative efficiency		
1. A new expenditure framework for public services that will be firmly rooted in the principles of evidence-based budgeting with its key elements being (1) the systematic review of available evidence on the effectiveness of public programs (2) implementation oversight and (3) outcome monitoring	<p>Article 3 (best interests of the child)</p> <p>The best interests of the child must be a top priority in all decisions and actions that affect children.</p> <p>Article 4 (implementation of the Convention)</p> <p>Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.</p>	Evidence-based budgeting can ensure that funds for child-related measures are disbursed and monitored in a transparent, ethical and accountable manner. Good governance promotes the fulfilment of children's rights.

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Good governance and administrative efficiency (ctd)		
2. A paperless administration that will make available online facilities for different services including delivery of free copies of birth certificates, application for enrolment of children in primary and secondary schools, making application for SC and HSC examinations by private candidates.	<p>Article 7 (birth registration, name, nationality, care) Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.</p> <p>Article 28 (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child.</p>	
Access to technology		
1. Some 11,000 families who are on the Social Register of Mauritius (SRM) will be given totally free access to Broadband Internet	<p>Article 29 (goals of education) Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.</p>	Access to the internet can support the right to education of the children living in these families.

Measure(s) announced in the Budget Speech that are relevant to children	Article(s) of the UNCRC that overall relate to these measures	Explanatory comment(s)
Access to technology (ctd)		
2. Increase in the number of MBC channels broadcasted in Rodrigues, Agalega and Outer Islands	<p>Article 17 (access to information from the media)</p> <p>Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.</p> <p>Article 31 (leisure, play and culture)</p> <p>Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.</p>	<p>Children will be better able to access a large variety of learning and recreational resources. However, parents or other adults caring for these children need to regulate their access to the internet to make sure that they are safe.</p> <p>The right to leisure will also be enhanced for children in Rodrigues and Agalega with the addition of new MBC channels.</p>

2.4 Moving beyond the Budget Speech

Budgeting for children is not limited to the contents of a budget speech. It is important to realise that the child budget in our Republic is shared among multiple public and parastatal organisations which obtain recurrent funds annually to fulfil their specific functions with regards to children. These local bodies include, among others,

- **Ministries from different sectors involving children**, such as the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, the Ministry of Gender Equality, Child Development and Family Welfare, the Ministry of Youth and Sports, the Minister Mentor's Office and Ministry of Defence and Rodrigues, the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, the Ministry of Health and Quality of Life, and the Ministry of Social Integration and Economic Empowerment;
- **Public departments providing services to children**, such as the National Children's Council, the Child Development Unit, the Alternative Care Unit, the Special Education Needs Unit and the Early Childhood Care and Education Authority; and
- **Human rights organisations that promote and protect the rights of individuals including children**, such as the Ombudsperson for Children's Office, the National Human Rights Commission and the Equal Opportunities Commission.

2.5 Yes, the Government is investing in children, but...

There is no doubt that the Government is allocating considerable financial resources to enhance the development, wellbeing and future of the children of our Republic. Nevertheless, I believe that the judicious and effective management and use of these funds by qualified personnel **MUST** be regarded as important as their availability. The problem often lies with the relevance of specific expenditures made and the level of training, qualification and experience of the personnel recruited to implement child-sensitive programmes.

Hence, it is necessary that the appropriate recruitment, monitoring and evaluation mechanisms are in place to ensure that programmes intended for children are being funded and delivered in a child rights-friendly manner while maintaining good governance standards. As mandated by the Ombudsperson for Children Act 2003, my office will definitely play its part in this process by acting like a ‘watchdog’ among local public, private and civil society organisations working with children to monitor their compliance with the UNCRC.

CHAPTER 3

REPORT ON ACTIVITIES

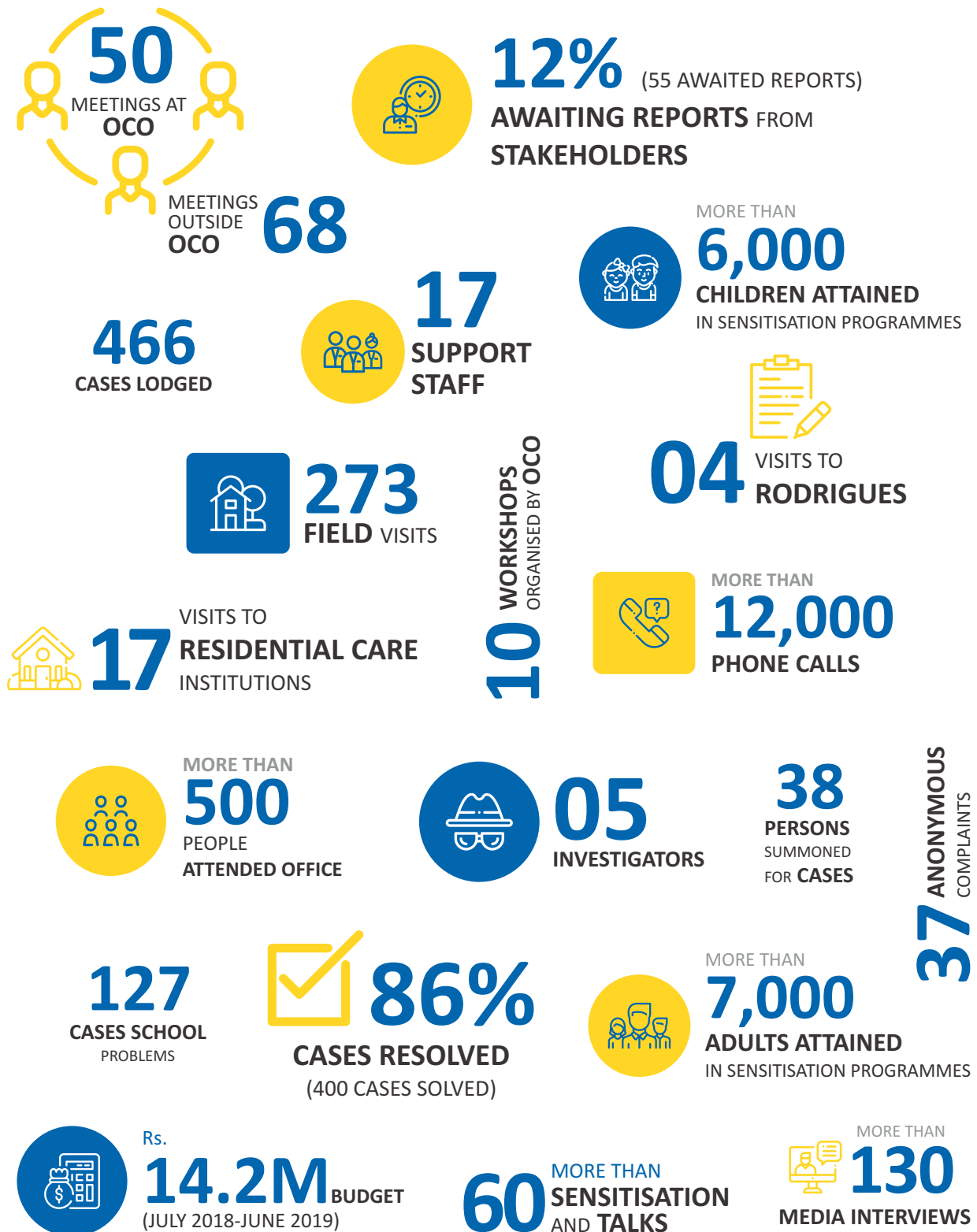
2018-2019





Report on Activities (July 2018 - June 2019)

In Figures



The Promotion of Children's Rights in Rodrigues

Promotion of Children's Rights in Rodrigues

As part of the Republic of Mauritius, Rodrigues is de facto party to the United Nations Convention on the Rights of the Child (UNCRC). The Ombudsperson for Children's Office (OCO) is mandated to defend and protect the rights of children of our Republic including Rodrigues. During this reporting year of 2018-2019, the Ombudsperson for Children (OC) and her team carried out four visits to the Island of Rodrigues.

The visits allowed for in-depth and meaningful discussions on the rights of children with important stakeholders. It is noteworthy that the first visit had been pivotal in laying the foundations of meaningful actions in the promotion of children's rights in Rodrigues, the main one being the formulation of a Child Abuse Protocol for Rodrigues.

The following table shows a chronological list of initiatives that have been carried in relation to Rodrigues:

INITIATIVES 2018-2019 RELATED TO RODRIGUES			
S/N	DATE	OBJECTIVE(S)	OCO's REPRESENTATIVES
1.	11 - 15 February 2019	<ul style="list-style-type: none">• To present the OCO's Annual Report 2017 – 2018;• To promote children's rights through storytelling;• To carry out follow-up meetings with Managers of pre-primary schools; and• To conduct field visits in children's organisations.	Mrs. R. Venkatasawmy, Ombudsperson for Children, Mr. I.A. Bawamia & Ms. B. Jogarah, Investigators
2.	05 - 07 March 2019	<ul style="list-style-type: none">• To participate as observer in a workshop on the education system in Rodrigues.	Mrs. S. P. Mauree, Investigator

S/N	DATE	OBJECTIVE(S)	OCO's REPRESENTATIVES
3.	16 - 20 April 2019	<ul style="list-style-type: none"> To understand the roles, responsibilities and functions of frontline practitioners working in the field of child welfare and protection; To consolidate networking relationships among the different stakeholders in Rodrigues; To discuss the existing referral pathways and intervention mechanisms in Rodrigues with respect to child protection; To introduce the national coordinating framework of violence against children as per the General Comment No. 13 (2011) of the United Nations Committee on the Rights of the Child; and To collaboratively develop a protocol that can improve referral and intervention pathways for cases of children victim of all forms of abuse in Rodrigues. 	Mrs. R. Venkatasawmy, Ombudsperson for Children, Mr. I.A. Bawamia & Ms. B. Jogarah, Investigators
4.	03 May 2019	<ul style="list-style-type: none"> To finalise a Child Abuse Protocol for Rodrigues with both Mauritian and Rodriguan frontline practitioners in the field of child protection at a validation workshop in Mauritius. 	Mrs. R. Venkatasawmy, Ombudsperson for Children & Mr. I.A. Bawamia, Investigator
5.	14 – 18 July 2019	<ul style="list-style-type: none"> To promote a culture of peace in pre-primary schools; To conduct a workshop on violence at school and at home; and To carry out field visits. 	Mrs. R. Venkatasawmy, Ombudsperson for Children, Ms. B. Jogarah, Investigator, and Mrs A. Swamber, Confidential Secretary

Promotion of Children's Rights in Rodrigues

Presentation of the Ombudsperson for Children's Office's Annual Report 2017-2018

***12 February 2019 Antoinette Prudence Human
Resource Development Centre***

*The Ombudsperson for Children (OC) presented the OCO's Annual Report 2017–2018 which covers a variety of areas that influence the promotion and protection of children's rights. The aim of this activity was to improve the awareness and understanding of participants on matters relating to children's rights and to encourage professionalism in the care of children in the community. **Thirty-six** participants consisting of officers of the Child Development Unit, the Family Protection Unit and the Police Force as well as representatives from the Commissions of Health, Education, Environment and Sports, NGOs and Student Councils were sensitised.*



*The Ombudsperson for Children explaining the need for increased knowledge and understanding of children's rights. **"Stakeholders should work together as a team to promote the rights of the child and ensure that none of these rights are violated."***

Promotion of Children's Rights in Rodrigues

The OC elaborated on the topics of children of incarcerated mothers, the use and importance of the Kreol language, teenage pregnancy, the right of the child to an identity and child sexual abuse. Every participant was given a copy of the OCO's Annual Report 2017–2018.

“Networking is one of the most significant strategies one can use to promote the rights and rehabilitation of victims of child sexual abuse and to prevent the abuse of potential victims.”



Handing over of the OCO's Annual Report 2017–2018 to Mrs. Marie Lourdes Bégué, President of the Association des Ecoles Maternelles



Handing over of the OCO's Annual Report 2017 – 2018 to Mr. Antoine Spéville of the Brigade pour la Protection des Mineurs

Promotion of Children's Rights in Rodrigues

Courtesy Visit to Mrs. Rose Marie Franchette GASPARD-PIERRE LOUIS, Commissioner for Child Development and Others

12 February 2019

During the first mission to Rodrigues, the OC met with Mrs. Rose Marie Franchette GASPARD-PIERRE LOUIS, Commissioner for Child Development and Others, at her office at Malabar on 12 February 2019. They discussed on a variety of important issues concerning children, particularly on the limitations of child protection in Rodrigues, which impact on the efficiency of reporting on children victim of all forms of abuse, the case management of these children and their overall rehabilitation.



From the far left - Mrs. Rose Marie Franchette Gaspard-Pierre Louis, Commissioner for Child Development and Others; Mr. Fabrino Edouard, Administrative Officer, Commission for CD and Others; Mrs. Rita Venkatasawmy, Ombudsperson for Children; and Mr. I.A. Bawamia, Investigator of the OCO

Both Mrs Gaspard-Pierre Louis and the OC agreed that in the face of growing challenges regarding the younger generation, it has become increasingly important that children evolve in a secure and supportive environment. In this context and upon the request of Mrs Gaspard-Pierre Louis, it was agreed that the OCO will organise a 3-day workshop with frontline practitioners involved in child protection in April 2019 in Rodrigues.

Moreover, Mrs Gaspard-Pierre Louis highlighted that there was a drop in the performance of students at both the School Certificate and Higher School Certificate levels for the year 2018. The authorities are concerned with this situation and they believe that the first step towards bringing about a change is a systematic understanding of the reasons linked to the underachievement of pupils. In this context, the Rodrigues Regional Assembly conducted a meeting on 07 March 2019 with all relevant stakeholders in Rodrigues. The objectives were to reflect on the causes of student underperformance, to identify systemic problems that need to be addressed, and to subsequently formulate relevant intervention strategies. It was thereafter proposed that an Investigator from the OCO attends the meeting as an Observer.



The OC handing over a copy of the OCO's Annual Report 2017–2018 to Mrs Gaspard-Pierre Louis who looked forward to collaborating with the OCO to improve the service delivery of frontline practitioners working in the field of child welfare and protection

“If everyone is moving forward together, then success takes care of itself.”

-Henry Ford

Promotion of Children's Rights in Rodrigues

Visit to the Foyer Marie Madeleine de la Croix (FMMC) Shelter

12 February 2019, Baladirou

The OC and her team conducted a visit to Foyer Marie Madeleine de la Croix (FMMC) Shelter. The objectives of the visit were to meet the residents of the shelter and to assess their situation.



The OC met with the children who were encouraged to voice out their concerns. She and an Investigator also met the Sisters of "Fille de Marie" who manage the shelter.



"Give them a conscious understanding of how powerful and important and valuable and perfect they are."

-Esther Hicks

Promotion of Child Rights through Story Telling

13 February 2019
Antoinette Prudence Human Resource
Development Centre

The OC started the session by briefing participants on the role and functions of the OCO which did not only involve sensitising children on their rights, but also included educating them on their responsibilities as young citizens. Twenty-seven participants consisting of head masters and teachers of primary schools were sensitised. They were also introduced to the book entitled "L'amour de Nani Coco pour son pays" written by the OC regarding children's right to a sound environment and their responsibility towards its protection. The OC also elaborated on the use of storytelling as one of the most effective pedagogical strategies to promote children's responsibility towards the community. This method also plays an important role in the transmission of positive messages and values.



The OC explaining the significant role stories play in promoting children's growth



Participants engaged in narrating their story on the theme of cyclone



The participants were divided into groups and were instructed to come up with a story on the theme of cyclone, which was then narrated by all members of each group.

Promotion of Children's Rights in Rodrigues

Intervention on the MBC Radio of Rodrigues

13 February 2019

The OC was invited to intervene on the MBC Radio of Rodrigues. The OC always works in close collaboration with the media to improve public understanding and awareness of children's rights.



The OC and Mr I.A. Bawamia, Investigator, in the studio of MBC Radio Rodrigues talking about the importance to protect and promote the rights of children, and the highlights of the OCO's Annual Report 2017-2018



Follow-up meeting with Managers and Educators of Pre-primary Schools

14 February 2019
Antoinette Prudence
Human Resource
Development Centre

The OC stressing on the importance of storytelling as a pedagogical tool in empowering children on their responsibilities

The OC discussed with the 27 participants, who consisted of Managers and Educators of Pre-Primary schools in Rodrigues, on the actions they took since the last meeting with the OC regarding promoting children's rights through storytelling. The OC stressed on the importance of this child-friendly narrative skill among Managers and Educators. The aim of the meeting was to promote children's rights and responsibilities through storytelling and to identify potential narrators of stories.

Promotion of Children's Rights in Rodrigues



The participants were divided into groups and were requested to read the book “L’amour de Nani Coco pour son pays”. They were then asked to narrate the story. The session resulted into the identification of potential and capable narrators.



Feedback from Managers and Educators of Pre-Primary Schools in Rodrigues

Mrs Marie Rose Meunier, Manager at Butterfly Pre-Primary School

"Mo pou servi sa liv Nani Coco la kouma enn sipor pou selebrasion lindepandans e pou pas bann mesaz inportan." (Mauritian Kreole)

I will make use of the book of Nani Coco as a means to celebrate the upcoming Independence Day and sensitise [students] on important messages. (English translation)

Mrs Marlene Flore, Educator at Le Cardinal Pre-Primary School

"Mo'nn bien kontan, mo'nn aprann bokou. Mo'nn inspire ar sa liv Lamour Nani Coco pou so pei." (Mauritian Kreole)

I truly appreciated the session. I have learned a lot. I feel inspired by the book – L'amour de Nani Coco pour son Pays. (English translation)

Mrs Marie Vianney Bégué, Manager at Quatre Vents Pre-Primary School

"Mo'nn inspire pou kapav anim zistwar e transmet bann valer zelev." (Mauritian Kreole)

*I feel inspired and capable to narrate stories and transmit values to my students.
(English translation)*

Visit to Les Dauphins Pre- Primary School

15 February 2019

The OC and her team of Investigators visited Les Dauphins Pre-Primary School on 15 February 2019 and met with the school staff. They had a fruitful meeting with the staff and obtained meaningful information regarding the running of pre-primary schools in Rodrigues.



***“There are no seven wonders of the world in the eyes
of a child. There are seven million.”***

- Walt Streightiff

***“See the world with the innocence of
children. Approach the world with
the daring of children. Love the
world with the readiness of children.
Heal the world with the purity of
children. Change the world with the
wisdom of children.”***

- Neale Donald Walsch



Promotion of Children's Rights in Rodrigues

Assises de l'Education in Rodrigues

07 March 2019
La Détente, Eau Claire

On 07 March 2019, the Chief Commissioner's Office (Commission for Education) organised a one-day workshop held at La Détente, Eau Claire, in order to devise an action plan for education in Rodrigues Island. A representative from the Ombudsperson for Children's Office attended this workshop as an observer so as to take stock of the education system in Rodrigues.



The Chief Commissioner, Commissioner for Education, Mr L.S. CLAIR, GCSK, addressing the participants on the occasion

The objectives of the workshop were to

- *understand the good practices and the limits of the existing education system;*
- *discuss strategies to improve performance; and*
- *come up with an action plan for education.*



The participants were stakeholders of the education sector in Rodrigues and included head teachers, teachers from pre-primary, primary and secondary levels, representatives of Parent Teachers Associations, representatives of Brigade pour la Protection des Mineurs and Psychologists among others.

The participants were divided into 3 “carrefours” and each “carrefour” consisted of 2 groups who brainstormed on the following themes:

“Carrefour” 1: Pedagogy and teacher training

Do students have the necessary prerequisites (academic) for their studies?

What is the situation concerning the pedagogy with respect to the needs of the students?

Are our Educators sufficiently trained to implement learner-centred pedagogies?

“Carrefour” 2: Management, leadership and the school system

What is the situation as regards school management in Rodrigues?

What is the situation as regards class management in Rodrigues?

How do we improve on accountability at all levels in Education in Rodrigues?

“Carrefour 3”: Working with the community

Are you satisfied with the involvement/commitment of the community in Education?

What are the out-of-school factors impacting on performance?

How do we tackle them?

Outcome of “Carrefour” 1: Pedagogy and teacher training

Issues identified:

- *Sometimes, students entering pre-primary schools are treated as ‘blank slates’ and their prior knowledge based on their culture and environment is not given enough validation.*
- *Many children who enter primary schools lack sensory motor skills.*
- *There are disciplinary problems at primary level.*
- *There are problems in the transition of students from pre-primary to primary education.*
- *Some children who finish primary level still have difficulties in basic skills like writing, reading or counting.*
- *There are too many students in a classroom which hinder an adapted pedagogy.*
- *At secondary level, there is a lack of basic literacy and numeracy skills, cognitive skills, critical thinking skills, disciplinary skills and life skills among the students.*

Proposals:

- *At pre-primary level, more emphasis should be laid on developing children’s sensorimotor skills.*
- *An occupational therapist should be recruited.*
- *In-service training to support teachers at primary level should be provided.*
- *The number of students in classes must be reduced.*
- *Continuous training for educators must be ensured.*
- *PGCE must be mandatory when recruiting teachers.*
- *There must be continuous monitoring of teaching and learning at all levels.*
- *Remedial literacy and numeracy sessions must be provided to students who require same at secondary school level.*
- *Students must receive more exposure to real life experiences.*
- *The curriculum should be contextualised.*
- *The gap between primary and secondary levels should be bridged by introducing a new stream/structure.*

Promotion of Children's Rights in Rodrigues



The participants brainstorming on the proposals for “Carrefour” 1 on ‘Pedagogy and teacher training’



Discussing on the proposals for “Carrefour” 2 on ‘Management, leadership and the school’

Outcome of “Carrefour” 2: Management, Leadership and the School

Issues identified:

- *Pre-primary education is not standardised and there are issues at management level.*
- *The same Inspector deals with primary and secondary schools.*
- *There is a lack of support for staff members.*
- *There is a lack of authority and leadership at school management level.*
- *There is a lack of collaboration between staff and management.*
- *Classrooms are overcrowded.*
- *There are too few teachers who are PGCE holders.*
- *The staff are not equipped to deal with indiscipline.*
- *The infrastructural quality is not levelled across all schools.*

Proposals:

- *A pre-primary unit with an official curriculum should be created.*
- *Primary and secondary schools should be allocated to different Inspectors.*
- *Training on leadership and conflict management skills should be provided to school managers.*
- *A common objective and shared vision should be elaborated for all schools.*
- *A school development plan must be initiated.*
- *There must be better collaboration between management and staff.*
- *A student behaviour policy must be formulated for Rodrigues.*
- *More remedial/support supply and holistic teachers/psychologists/social worker must be recruited.*
- *An induction course should be carried out with new teachers.*
- *A budget must be allocated for the training of new recruits.*
- *A Private Secondary Education Authority (PSEA) branch should be set up in Rodrigues.*
- *Continuous monitoring and appraisal of schools must be carried out.*
- *All stakeholders should assume their duties as per their scheme.*

Promotion of Children's Rights in Rodrigues



Participants presenting the outcome of “Carrefour” 3 on ‘Working with the community’



Reflecting and working together to consolidate the educational sector in Rodrigues and uphold the right to education of all children

Outcome of “Carrefour” 3: Working with the Community

Issues identified:

- *There is a societal trend towards individualism in Rodrigues.*
- *People tend to think that children's matters only concern mothers.*
- *When parents are asked to come to the school, they sometimes do not bother to come.*
- *There is no coordination/synergy between the staff and administrative cadre of the school.*

Proposals:

- *An ‘Ecole des Parents’ must be set up where different resource persons can intervene with parents and empower them on their responsibilities.*
- *Social workers must carry out more home visits.*
- *The collaboration between Rodrigues Council of Social Services (grassroot level) and schools must be strengthened.*
- *Sensitisation campaigns for the community must be organised.*
- *The culture and talent of each child must be taken into consideration as part of their education.*

Overall Recommendations from the Participants

- *The setting up of a training unit in Rodrigues for administrative and teaching staff.*
- *An induction programme for new recruits.*
- *Development of a school strategic plan for every college.*
- *The setting up of an independent pre-primary unit which will work on an appropriate curriculum.*
- *The use of a Quality Assurance Pedagogy.*
- *The setting up of a branch of the Private Secondary Education Authority (PSEA) in Rodrigues.*
- *Creation of a disciplinary policy for schools in Rodrigues.*
- *The setting up of ‘Ecole des Parents’ with a structured parenting programme.*
- *Sensitisation campaigns on the role of the community in children's education.*
- *Definition of a transition programme from primary to secondary school levels.*

Visit to Foyer Marie Madeleine de la Croix (FMMC) Shelter and Meeting with residents

16 April 2019, Baladirou

During the third mission to Rodrigues, the OC and her team of Investigators again visited the FMMC Shelter on 16 April 2019. This visit's objectives were to do a follow-up with the residents of the shelter and to ensure that the needs and best interests of these children were being respected and promoted.



The visit was an opportunity to listen to the concerns of the children residing at the shelter. In a spirit to mark the Easter celebration, chocolates were also distributed to all the residents. This brought smiles to the children's faces.

Workshop on “Enhancing the efficiency and response of stakeholders in the case management of children victim to different forms of violence in Rodrigues”

***17-19 April 2019 Antoinette Prudence
Human Resource Development Centre***



Further to the meeting the OC had with Mrs. Rose Marie Franchette GASPARD–PIERRE LOUIS, Commissioner for Child Development and Others, on 12 February 2019, the OCO organised a 3-day workshop entitled “Enhancing the efficiency and response of stakeholders in the case management of children victim to different forms of violence in Rodrigues” from 17 to 19 April 2019 with frontline practitioners involved in child protection.

The objectives of this workshop were

- *to understand the roles, responsibilities and functions of frontline practitioners working in the field of child welfare and protection;*
- *to consolidate networking relationships among the different stakeholders in Rodrigues;*
- *to discuss the existing referral pathways and intervention mechanisms in Rodrigues with respect to child protection;*
- *to introduce the national coordinating framework of violence against children as per the General Comment No. 13 (2011) of the United Nations Committee on the Rights of the Child; and*
- *to collaboratively develop a protocol that can improve referral and intervention pathways for cases of children victim of all forms of abuse in Rodrigues.*

Promotion of Children's Rights in Rodrigues



The OC explaining the aims and purpose of this 3-day workshop to the frontline practitioners working in the field of child welfare and protection.



The OC conducting a live call to the hotline 117 which triggered important discussions on the existing intervention mechanisms in Rodrigues with respect to child protection.



Participants discussing on current referral pathways and on the process of responding to a child abuse referral.



The workshop elicited a good response. Participants unanimously agreed that responding to cases of child abuse is not the responsibility of a single agency.

Promotion of Children's Rights in Rodrigues



Mrs Grandcourt, Departmental Head of the Commission of Child Development, interacting with the OC on plausible solutions to improve the efficiency of the child protection service in Rodrigues.



In groups, the participants worked on the strengths and weaknesses of the Child Development Unit in Rodrigues.



The designated leader of each group reported on their result. This further encourage group discussions.

Promotion of Children's Rights in Rodrigues



Mrs Grandcourt extending a vote of thanks to the OC and her team for their significant contribution in improving the safety and wellbeing of the children in Rodrigues.

Promotion of Children's Rights in Rodrigues

Validation Workshop to finalise the Child Abuse Protocol for Rodrigues

***03 May 2019
Palms Hotel, Quatre Bornes***

The OCO organised a validation workshop on 03 May 2019 at the Palms Hotel, Quatre Bornes, to finalise a Child Abuse Protocol intended to improve the response of agencies and professionals in the management of cases of child abuse and neglect in Rodrigues. This workshop built upon the 3-day workshop that the OCO had organised in Rodrigues from 17 to 19 April 2019 with frontline practitioners involved in child protection.



The OC explaining the purpose of the validation workshop and encouraging professionals from Mauritius and Rodrigues to work together as a team to improve the safety and wellbeing of the most vulnerable groups of children in Rodrigues. Special thanks to the Commissioner for Child Development and Others, as well as Mrs. R. Fanny, representative of the U.S. Embassy, for their continued collaboration and support!

Promotion of Children's Rights in Rodrigues



Mrs. Rosa Fanny (person in the centre of the picture), representative of the U.S. Embassy, also attended the workshop and contributed significantly to the validation of the Protocol.



The draft Child Abuse Protocol for Rodrigues was circulated amongst stakeholders and their views and comments were duly noted.



A group of delegates from Rodrigues was invited by the OCO for this validation workshop. It included professionals from the Brigade pour la Protection des Mineurs, the Family Welfare and Protection Officer of CDU Rodrigues, a Psychologist and representatives of the Medical Social Work Department, the Probation and Aftercare Service.

Promotion of Children's Rights in Rodrigues



Mrs Fong Hing, Family Welfare and Protection Officer, gave a brief presentation on the creation of the CDU in Rodrigues in 1998 and on her professional experience at the Unit. She also explained the rationale behind the setting up of the Integrated Family Centre ("Service de Soutien et de Protection aux Familles") in 2013 in Rodrigues.



Tokens were handed over to the delegates from Rodrigues as a symbol of the warm ties of friendship between Rodrigues and Mauritius.

Promoting a Culture of Peace in Pre-Primary Schools

15 July 2019

Peace is not just absence of war but also a state of mind, societal friendship and harmony. A culture of peace englobes the essence and fundamentals of human rights which include dignity and respect for all, social justice, and tolerance. The OC strongly believes that peace is sine qua non for the promotion of children's rights. In this context, interactive sessions were conducted in pre-primary schools namely St Michel, Le Pingouin, La Colombe, Le Caneton, Le Frangipane and Le Flamboyant Pre-Primary Schools. These activities aimed at sensitising students on their rights and responsibilities and empowering them to be agents of change and peace, both among their peers and in their communities.



The OC using Russian dolls as a pedagogical tool to empower and educate children of pre-primary schools on the importance of respect for each other and tolerance, and on the significance of adopting a culture of peace and non-violence.

"If we are to reach real peace in the world, we shall have to begin with the children."

- Mahatma Gandhi

Promotion of Children's Rights in Rodrigues



The Children of La Colombe Pre-Primary School listening attentively to the explanation of the OC and enjoying the story of “Gro Fille and Ti Fille”, which evolved around the themes of sharing, tolerance, forgiveness and fostering respect towards their peers.

Promotion of Children's Rights in Rodrigues



The OC giving an interview on the significance of engaging in dialogue with young children to educate them on the importance of values such as peace and justice which will help them grow into kind and productive members of society.



Meeting with Mrs. Marie Lourdes Bégué, President of 'Association des Ecoles Maternelles de Rodrigues' – the OC stressing on the importance of inculcating a culture of storytelling as a powerful tool for peace-building amongst pre-primary schools.

Promotion of Children's Rights in Rodrigues

Workshop on 'Violence at Home and School'

16-17 July 2019
Integrated Family Centre, Malabar

The Commission for Child Development with the Collaboration of the Ombudsperson for Children's Office organised a 2-day workshop on the theme of "Violence at Home and School" on 16 and 17 July 2019. Forty-eight participants, comprising of representatives of the Brigade de la Protection des Mineurs, Educational Social Workers, CDU Officers, Psychologist and SEN Educators, were sensitised on the risks children face when living in situations of violence at home and school.



The OC emphasised on UNESCO's four pillars of education –learning to know, learning to do, learning to live together and learning to be. The OC also discussed extensively on the impact of violence on children based on findings documented by the United Nations. Participants were briefed on the challenges outlined by the UN Secretary General's Report on the 'World Report on Violence Against Children' (Pinhiero, 2006) which called for actions from all stakeholders.

Promotion of Children's Rights in Rodrigues



Participants were explained the meaning of **“violence” which refers to “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”** (CRC; UN, 1989, article 19(1)).

The OC conducting demonstration exercises on different forms of violence that children face at home or at school. According to the UN General Comment No. 13 (2011), **“a respectful, supportive child-rearing environment free from violence supports the realization of children’s individual personalities and fosters the development of social, responsible and actively contributing citizens in the local community and larger society”**.



Participants were categorised into 5 working groups and each group had to come up with proposals from a child rights perspective on one of 5 themes namely, ‘promote peace as landscape architectures’, ‘promote peace as peace ambassadors’, ‘stop violence at school’, ‘encourage child’s participation’, and ‘promote a culture of peace in RYC’.

Promotion of Children's Rights in Rodrigues



*The participants were involved in role plays which led to discussions on the importance of **learning to be and learning to live together**. Participants engaged in reflecting on the underlying causes of violence, which when addressed can reduce the prevalence of violence against children.*



The team leader of each group was invited to present their results which was followed by group discussions. Several issues pertaining to the loopholes of the current system were also highlighted. The OC stressed on the importance of fulfilling our obligations towards children who are rights holders. For instance, the OC discussed the importance of having a good inspection system which would allow for proper supervision of schools and ensure that the rights of children are not violated.

Results of Workgroup 1: What structures should Landscape Architects work out to promote child-friendly and peaceful environments?

- 1. There is a need to well design playgrounds in pre-primary and primary schools as play contributes to the cognitive, emotional and social development of children. Playgrounds must include swings, slides, sandbox, water fountains and green spaces, among others.*
- 2. Schools should include a fenced yard with well-maintained grass to promote a sense of security and positive values like respect for the environment. The schools should also have endemic flowers and plants, and big fruit trees.*
- 3. Schools must include specialised sports areas such as basketball courts, badminton courts, football grounds and volleyball grounds.*
- 4. Rustic benches must be placed in the school yard for children to rest during breaks.*
- 5. School walls must be embellished with child-friendly murals that display positive messages and values through cartoons and drawings.*
- 6. Schools must include a gazebo and a podium where fun, recreational and artistic activities could be organised for children.*
- 7. All schools should be equipped with a garden to initiate children to gardening and agriculture.*
- 8. The school infrastructure must be disabled-friendly and there should be ramps available to facilitate the mobility of children with physical disability.*
- 9. All schools must have a secured parking lot to promote the safety of children.*
- 10. A space can be allocated within schools for the organisation of camp fire activities.*

**Results of Workgroup 1 (ctd):
What structures should Landscape Architects work out
to promote child-friendly and peaceful environments?**

11. *Rehabilitation youth centres must include an agricultural corner and an animal husbandry.*
12. *The outdoor environment of residential care centres must be spacious enough so that children can safely practice physical activities such as bicycling.*

**Results of Workgroup 2:
What needs to be done to promote a culture of peace in the
Rehabilitation Youth Centre (RYC)?**

1. *Probation homes for children must be set up to cater for children who committed mild delinquencies to avoid them being sent to the RYC.*
2. *The evaluation of child delinquents must be done by a multidisciplinary team including Psychologists, Psychiatrists, Social Workers and CDU Officers to decide on whether the child needs to be admitted in a Probation Home, the RYC or any other care institution. These children should get the necessary psychosocial support for family reintegration.*
3. *The child must be treated in a fair and just manner. Officers dealing with the child must be aware that the child is a victim of circumstances that has led him in this situation.*
4. *In the RYC, there is currently one Officer in Charge and Prison Officers who are not trained to work with children who are in conflict with law. In this context, specialised educators or animators could be recruited to devise adequate activities with the young people on behaviour management, emotional regulation, personal development and life skills.*
5. *A multi-faceted and systematic rehabilitation programme must be designed to better respond to the needs of children in conflict with the law.*

**Results of Workgroup 2 (ctd):
What needs to be done to promote a culture of peace in the
Rehabilitation Youth Centre (RYC)?**

6. *The RYC should establish alternative therapeutic activities such as art therapy, gardening, craft-making, music and dance therapy to help these children better manage their emotions and develop a sense of positive self-worth.*
7. *Children at the RYC must receive continuous education delivered by well-trained educators.*
8. *There must be a counselling unit for the Officers working at the RYC to provide them with stress-relief and self-help strategies to better cope with work-related anxiety and burnout, hence promote their capacity to deliver more efficient services to the young people.*
9. *Strategies and policies should be worked out to include parents in the rehabilitation of their children at the RYC and to educate parents on their roles and responsibilities.*

**Results of Workgroup 3:
What strategies need to be implemented to promote
child participation and a culture of peace?**

1. *Schools must follow an inclusive and egalitarian approach, free from discrimination towards children based on disability or socioeconomic status.*
2. *Schools need to promote a pedagogy of expression among students to improve their sense of self-worth and self-esteem.*
3. *The teaching staff should not limit themselves to academic teaching, but should also promote discovery skills among their students through dialogue and opportunities for experimentation.*
4. *There needs to be fair selection among students for participation in school or extra-curricular competitions and activities to avoid the repeated selection of already talented students.*

**Results of Workgroup 3 (ctd):
What strategies need to be implemented to promote child
participation and a culture of peace?**

5. *In some schools, children with the highest academic abilities are made to sit in front of the class and those with lowest academic abilities at the back of the class - a discriminatory practice that has to change. More community schools should be established to cater for smaller number of students per class which can help improve the quality of education.*
6. *Children should be consulted prior to devising rules and regulations as they have a right to be heard on matters which concern them.*
7. *The school personnel should be sensitised on the rights of the child and on how to respect children's right to participation to promote a culture of peace.*
8. *Parental programmes should be established in schools whereby parents are sensitised on the rights of the child and on positive discipline strategies to promote a culture of peace and non-violence.*

**Results of Workgroup 4:
What can Peace Ambassadors do to promote
a culture of peace in the country?**

1. *Peace Ambassadors can sensitise future mothers in antenatal clinics on the importance of securely bonding with their unborn babies through peaceful sounds during pregnancy, and building on these positive mother-child interactions throughout the children's growth, especially in their early years of life.*
2. *Young children in kindergarten should be sensitised on a culture of peace through the use of colours, pictures, puppet shows, non-violent toys and peaceful songs and lullabies to educate them on values and peace.*

Results of Workgroup 4 (ctd): What can Peace Ambassadors do to promote a culture of peace in the country?

3. *Parents must be sensitised to become partners in building a peaceful environment for the youth.*
4. *At the pre-primary school level, teachers must be regularly trained on the use of peaceful educational strategies with their students such as pacific games, drama, story-telling, puppet shows, songs, dance and use of non-violent toys. This knowledge can be imparted to parents through initiatives organised by the Parents Teachers Association.*
5. *Primary school educators should be regularly trained and sensitised to*
 - *use Positive Behavioural Interventions and Supports (PBIS) to inculcate moral values, peaceful attitudes and non-violence to their students and manage challenging behaviours - this is currently being done in schools only and it will be beneficial if same is extended to Government Primary Schools;*
 - *meet parents in the community and organise recreational activities with students and their families in community centres;*
 - *encourage more able students to support their less able classmates in schoolwork and promote their team spirit; and*
 - *set up “camps de vacances” for students during summer holidays to develop their personal, shared living, conflict management and problem resolution skills in a peaceful manner.*

**Results of Workgroup 4 (ctd):
What can Peace Ambassadors do to promote
a culture of peace in the country?**

6. *Peace Ambassadors can carry out mass sensitisation campaigns on promoting a culture of peace on the radio, television, newspapers and other forms of media. The sensitisation can be carried out through different methods, for instance,*
 - *one-minute peaceful messages through jingles on radio or television;*
 - *cartoons about values and non-violent attitudes on the television;*
 - *local short films in Mauritian Creole with children as actors; or*
 - *regular messages about peace published in newspapers.*
7. *A "Caravane de La Paix" activity could be organised on a regular basis, whereby a caravan would move from village to village around the island to promote messages of peace through songs, storytelling, and fun activities for children.*

**Results of Workgroup 5:
What strategies could Educational Social Workers
propose to promote non-violence at school?**

1. *Parental education programmes should be established on themes such as*
 - *duty and responsibility;*
 - *family cooperation;*
 - *promoting positive values and life skills;*
 - *child development; and*
 - *finance management.*
2. *Pedagogical activities that enable children to create, learn and explore should be devised such as role plays, theatre, story-telling, creative writing, songs and sports.*
3. *Mass sensitisation of parents and children on children's rights, positive discipline, peace and non-violence should be carried out. This may involve the distribution of information leaflets and posters.*

**Results of Workgroup 5:
What strategies could Educational Social Workers
propose to promote non-violence at school?**

4. *The school personnel should be trained to identify signs of abuse or risks of abuse among children and alert the relevant authorities.*
5. *The teacher to student ratio should be reduced to 20 students per teacher to improve the quality of teaching and learning.*
6. *A discipline master should be recruited in all schools to promote the supervision of children during recess and break times.*
7. *Anti-bullying campaigns should be conducted in schools to sensitise children on the harms of bullying and to foster mutual respect and peace among students.*
8. *Counselling and peer education services should be provided in every school.*
9. *Students and parents should be sensitised against internet material that promote violent messages.*

Promotion of Children's Rights in Rodrigues



The OC organised a dinner for the children of Foyer Marie Madeleine de la Croix Shelter on 16 July 2019 at the Cotton Bay Hotel in view of providing them with a moment of leisure and a space to listen to their concerns. The children thoroughly enjoyed the dinner as they felt valued and loved!

"There is only one happiness in this life, to love and be loved."

- George Sand

***Courtesy meeting with Mrs. Rose Marie
Franchette Gaspard-Pierre Louis,
Commissioner for Child Development and Others,***

17 July 2019

The OC met with Mrs. Rose Marie Franchette Gaspard-Pierre Louis, Commissioner for Child Development and Others, on 17 July 2019. The discussions pertained to the field visits and sensitisation campaigns on the theme of 'Promoting a Culture of Peace' that was carried out in pre-primary schools in Rodrigues. The OC also highlighted the meaningful discussions that emerged during the 2-day workshop on the theme of "Violence at Home and School" held on 16-17 July 2019 in the Conference Room of the Integrated Family Centre at Malabar.



The Commissioner seized the opportunity to discuss on the relevance of foster families being a temporary family-based arrangement for children whose birth families are unable to care for them. This represents an important societal intervention to safeguard the best interests of children. Given the growing concern on the issue of informal foster care and alternative care in Rodrigues, Mrs Gaspard requested the collaboration of the Ombudsperson for Children to organise a 2-day consultative meeting/workshop with people concerned with the alternative care system and that a Regulation for Alternative Care in Rodrigues is worked out. It was agreed that this initiative would be spearheaded by the OCO.

**Activities
carried out in Mauritius
in 2018-2019**



Submission of the Annual Report 2017-2018 to the Acting President of the Republic of Mauritius

***28 September 2018
State House, Réduit***

*The submission of the Annual Report to the President of the Republic of Mauritius is a significant moment every year for the Ombudsperson for Children's Office. **Section 11(1) of the Ombudsperson for Children Act 2003** states that “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 of the Republic”. As per the same law, annual and special reports of the OCO are laid before the Assembly by the President within one month of submission. This serves as an important opportunity to disseminate the OCO's recommendations among policy makers.*



The OC (second from the right) was accompanied by Mrs. L. Jhugroo, Secretary of the OCO (far right), Mrs. K. Ramlol, Finance Officer at the OCO (far left), and Mrs. S. Johaheer, Investigator (second from the left).

Promotion of Children's Rights in Rodrigues

Launching of the Ombudsperson for Children's Annual Report 2017-2018

11 October 2018

The launching of the Annual Report 2017-2018 was held at the Rajiv Gandhi Science Centre in Bell Village. More than 300 stakeholders attended this event.



The Ombudsperson for Children's Annual Report 2017-2018 was launched in the presence of the Chief Guest, Mrs. Fazila Jeewa-Daureeawoo, Minister of Gender Equality, Child Development and Family Welfare, and other stakeholders from the public and private sectors and the civil society.

Welcome address by Mr. I. Bawamia, Investigator, at the launching of the OCO's Annual Report 2017-2018

"The aim of this launching of the Annual Report 2017-2018 is to render the findings and recommendations of the report public and to encourage relevant stakeholders to put into practice these recommendations."



Mrs. Fazila Jeewa-Daureeawoo, Minister of Gender Equality, Child Development and Family Welfare, addressing the audience on the role of parents and on the importance of instilling values in children

"It's very important to inculcate good values in our children. Despite the parents being extremely busy and that we are living in a society which is constantly modernizing, we should not let these limitations overpower our lives."

Address by Mrs. Rita Venkatasawmy on her role as the Ombudsperson for Children. The OC emphasising on child marriage as being a violation of human rights

"It should be noted that girls at this age are prepared neither physically nor mentally to live as a couple!"



Promotion of Children's Rights in Rodrigues



The OC staged a demonstration exercise to depict how language barriers can impact on the academic achievement of students. Mrs Johaheer, Investigator, asked a guest - Mr Nicolas Soopramanien, Clinical Psychologist, to answer three questions. The questions were asked in Hindi, a language that Mr Soopramanien did not understand. The end result was that he could not answer any questions, despite being a Clinical Psychologist! The objective of this demonstration was to concretely prove how language barriers can be detrimental to the educational attainment of children.



“The use of Kreol as a medium of instruction in primary education in the Republic of Mauritius can facilitate the acquisition of the English and French language and enhance our children’s overall linguistic and academic performance!”

- Rita Vekatasawmy, Ombudsperson for Children

Universal Children's Day

20 November commemorates the Universal Children's Day, a special day for children and the societies they live in. Established by the United Nations (UN) in 1954, the Universal Children's Day aims to improve the welfare of children worldwide and to promote togetherness and awareness among children internationally. It is also the day when the UN General Assembly adopted the Declaration of the Rights of the Child in 1959 and the Convention on the Rights of the Child in 1989.

In a spirit to mark the celebration of the Universal Children's Day, the Ombudsperson for Children's Office launched a campaign in February 2018 in all primary schools entitled "Full Stop Littering". The Ombudsperson for Children (OC) met with all Zone Directors of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research to discuss on the participation of primary schools in this campaign.

Further to that, the OC carried out a workshop with Deputy Headmasters of Primary Schools, who were thereafter encouraged to submit projects that involved children expressing themselves on the consequences of littering using artistic methods. The OCO received projects from 22 schools and they were subsequently invited to participate in the celebration of the Universal Children's Day on 19 November 2019 at Mahatma Gandhi Institute, Moka. The OC firmly believes that no child should be left behind and, to ensure a fair opportunity for all, even children from residential care institutions were roped in to participate! The theme chosen for the celebration was "Zanfan divan divan pu protez lenvironnman" (children at the forefront of environment protection).

The aim of the activity was to encourage children to act as change agents in the protection and preservation of the environment. On the same occasion, a storybook written by the OC entitled "L'amour de Nani Coco pour son pays" was launched.

"Children are like buds in a garden and should be carefully and lovingly nurtured, as they are the future of the nation and the citizens of tomorrow."

- Jawaharlal Nehru

Universal Children's Day

Preparatory Meetings for the Universal Children's Day Celebration 2018!

The OC held several meetings with children, headmasters of primary schools and representatives of residential care institutions to prepare for the Universal Children's Day 2018. The OC strongly believes that encouraging the child's voice to be heard, recognising their views as important, and involving them in the planning of activities are fundamental aspects in the preparation of the event.



The OC holding a briefing session with Young Ambassadors of the OCO and representatives of residential care institutions on 13 September 2018 to explain the purpose of the Universal Children's Day and prepare for the participation of children.



The OC explaining to the participants how the event will unfold and highlighting the roles and responsibilities of the Ambassadors as well as child performers from the different residential care institutions.

“Encouraging children’s participation is sine qua non to encouraging children’s voices to be heard, recognising their views as important and involving them in the planning of activities and other areas of their lives.”

- Rita Venkatasawmy

Young Ambassadors from Belle Rose SSS actively involved in designing the various decorations for the Universal Children’s Day celebration!



Universal Children's Day

Getting the costumes ready for the Universal Children's Day!



Mrs. K. Oodit-Naga taking the measurements of the child artists who performed for the Universal Children's Day. The costumes were made by the Ambassadors of Belle Rose SSS.

The Ombudsperson meeting with the Ambassadors of Belle Rose SSS given that they are involved in the designing of costumes for the child artists who were dressed as beautiful birds, trees, flowers and fishes!



*"Every successful individual knows that his or her achievement
depends on a community of persons working together!"*

- Paul Ryan

Rehearsal at Mahatma Gandhi Institute

12 November 2018

***Child participation is key to empowering children in becoming advocates
of their own human rights and actors for sustainable change!***



The OC engaging with the participants and inspiring them to use an array of movement techniques, eurhythmics, “walking the beat,” and arm gestures to “paint” the musical phrase. Pre-primary schools’ child participants were thoroughly involved in the rehearsals and they showed an enormous amount of enthusiasm and talent, even in these early days!

Universal Children's Day

Children designed special gift bags for our VIP Guests of the Universal Children's Day!

The children of SOS Children's Village were invited to collaborate in making the Universal Children's Day a success! The children attended the OCO on 9 September 2018 and they beautifully drew on the gift bags which would be handed over to the VIP Guests!



***“The greatest gifts you can give your children are the roots
of responsibility and the wings of independence.”***

- Denis Waitley

***Universal Children's Day Celebration and Launching
of a Children's story book entitled
"L'amour de Nani Coco pour son pays"***

19 November 2018



The Universal Children's Day celebration was held at the Mahatma Gandhi Institute Auditorium, Moka, on 19 November 2018. The theme of the day was "Zanfana divan-divan pou Protez Lanvironnman!". Above 700 people attended the event and 150 children participated in the show. The Chief Guest was Mrs. Fazila Jeewa-Daureeawoo, Minister of Gender Equality, Child Development and Family Welfare.

***"Let us join hands on the Universal Children's Day to make this world a safer
place for the little ones!"***

- Rita Venkatasawmy

Universal Children's Day



The OC highlighted that the OCO's campaign with the theme **"Children at the forefront to protect the environment"** was an opportunity for children to voice their opinions on the importance of preserving and protecting the environment.

"It is necessary for us to realise that children are full citizens and that they can contribute significantly in the protection of our environment!"



Mrs. Fazila Jeewa-Daureeawoo, Minister of Gender Equality, Child Development and Family Welfare, spoke on the need to promote togetherness and awareness of the problems children face in every corner of the globe, and improve the welfare of all children.

"Investing in our future means investing in our children - there are no two ways about it!"

***Empower children to become an agent of
change for the protection of the environment!***

A few glimpses of the Universal Children's Day 2018 Celebration!



Shania Luboo (left) and Roxanne Wang (right), Ambassadors of the Belle Rose SSS, animating the show on the occasion of the celebration of the Universal Children's Day 2018.



Ms. Sonia Greedharry portraying 'Nani Coco', a typical Mauritian character. Nani Coco is sad because she finds that the country is dirty. She believes it is absolutely necessary to do something for the environment!



Angelo Mars singing a mesmerising song!



A beautiful poem recited by Yusuf Atchia!

Universal Children's Day



The students of Notre Dame de Bon Secours RCA School singing a lovely song entitled "La Terre Ma Maison" under the guidance of their Holistic Educator Primary!



Batté Ravanne performance by Dylan Martin, grandson of Ti Frère!



The students of Reunion Road Government School performing a drama entitled "Notre responsabilité envers l'environnement"



The students of Jawaharlal Nehru Government School performing a Slam on Environment.

Universal Children's Day



The students of St Nicolas Government School performing a variety of genres including songs, dance and poem recitation.



The students of Ramnarain Roy Government school performing a role play entitled "Enn lemond san plastic".



The students of Labourdonnais Government School performing an eye-opening sketch on the environment.



An amazing dance performance by the children of NGO Safire.

Universal Children's Day



Fly little bird as fast as you dare! Children dressed as colourful birds to showcase these beautiful creatures soaring through a clear sky!



A sketch entitled "Gard Nou Lenvironnman Prop" performed by the students of Young Men's Hindu Government School.



The children embodying the beauty and exquisite splendour of flowers!



Children representing the lungs of our planet, Trees!

Children from the Residential Care Institutions were dressed as birds, trees, fishes and flowers and they proudly were our show stoppers!



Thanks to Sonia Greedharry for her marvellous interpretation of 'Nani Coco'!



Little children dressed in fish costumes to display the beauty of a pollution-free marine life.



Cheers to Sharmeen Soogali for her brilliant contribution!



Cheers to Soumayyah Ahmod for her excellent assistance!

The Honorable Minister handed over shields and certificates of participation to the Ambassadors of the OCO, as a symbolic gesture of appreciation for their contribution in the design of the storybook "L'Amour de Nani Coco pour son pays" and in making the show a success!

Universal Children's Day



To Dhuska Rajiah for her earnest support!



To Shania Luboo for her warm support!



To Doonesha Ramlall for her dedicated contribution!



To Zaahirah Ghingut for her brilliant involvement!

Universal Children's Day



To Roxanne Wang for her brilliant contribution in animating the show!



To Sitti Narrainsamy for her wonderful contribution in acting for the show!



Our deepest appreciation to Mrs. K. Oodit-Naga, Art Teacher at the Belle Rose SSS, for her contribution in the design of the storybook "L'Amour de Nani Coco pour son Pays" and for her support in the organisation of the Universal Children's Day show.

The OCO extends its thanks to Mr. Ajay Kumar Bissoonauth, Rector of Belle Rose SSS, for his continuous support and collaboration in promoting the cause of children!

"There is immense power when a group of people with similar interests gets together to work towards the same goals."

- Idowu Koyenikan

Universal Children's Day

Together We Make Children's Rights Happen!



In the picture: Mrs Rita Venkatasawmy, Ombudsperson for Children (far right); Mr A.K. Bissoonauth, Rector of Belle Rose SSS (2nd from the right); Mrs Fazila Jeewa-Daureeawoo, Minister of Gender Equality, Child Development and Family Welfare (5th from the right); Mrs Naga, then Art teacher at SSS Belle Rose (5th from the left); Mr I. Bawamia, Investigator (far left); Others - Ambassadors of the Ombudsperson for Children's Office of Belle Rose SSS.

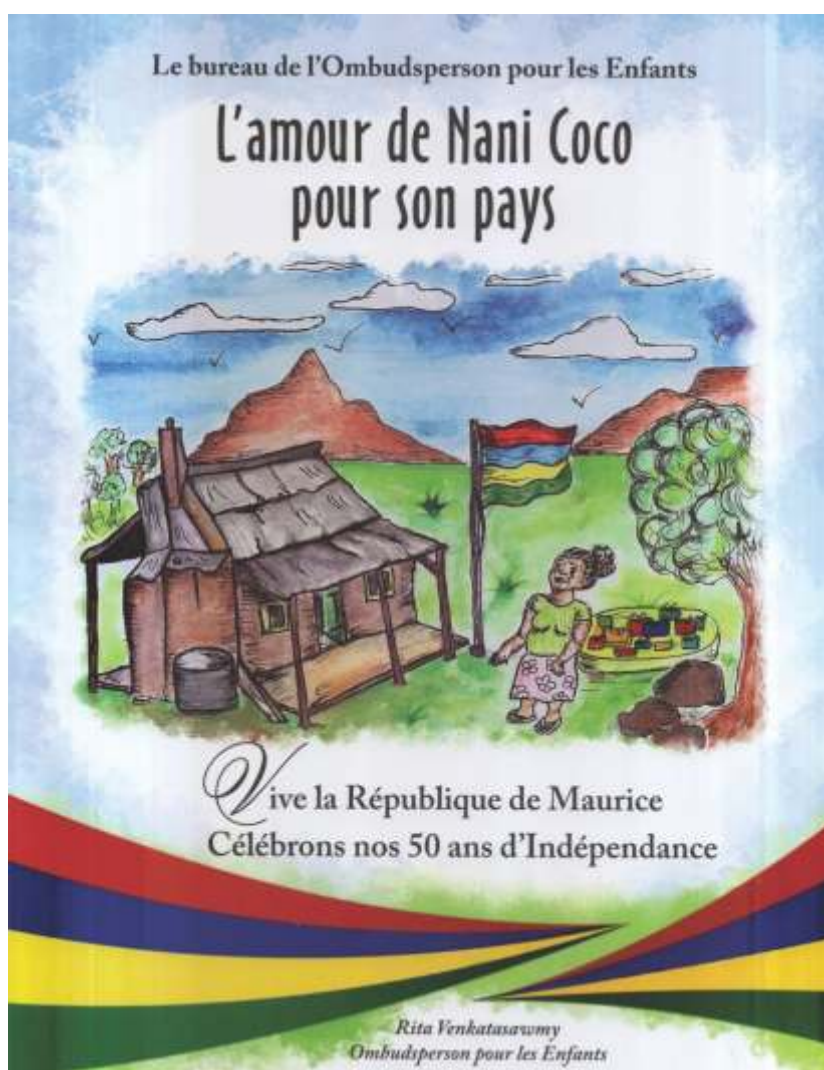
“Children feel capable when they have a sense of power, competency and control over their lives, believe that they can handle challenges and that they are able to make a contribution to their environment!”

- The Center for Parenting Education, United States of America

Launching of a Children's Story Book entitled "L'amour de Nani Coco pour son pays"

19 November 2018

As part of the activities organised to celebrate 50 years of independence, the Office of the Ombudsperson for Children launched a story book entitled "L'amour de Nani Coco pour son pays" written by Mrs Rita Venkatasawmy, Ombudsperson for Children, and illustrated by the pupils of Belle Rose State Secondary School. This tale is a fable on the lack of civic citizenship among Mauritians towards the deterioration of the environment, more precisely with regards to waste disposed of anywhere in the island. The tale ends on a positive note whereby awareness is raised on the protection of the environment and Nani Coco is again enthusiastic to celebrate Independence Day!



Visit of Délégué Général aux Droits de l'Enfant

Visit of Mr Pierre Yves Rosset, Representative of AOMF, Belgium

12-17 November 2018

Mr Pierre Yves Rosset, 'Délégué Général aux Droits de l'Enfant de la Communauté Française de Belgique', was on official visit to Mauritius from 12 to 17 November 2018 in the context of the 'Programme d'échanges de L'Association des Ombudsmans et Médiateurs de la Francophonie (AOMF)'. Mr Rosset has vast experience in the field of children's rights.



Meeting of Mr Rosset with the OC and Investigators at the Ombudsperson for Children's Office

Visit of Délégué Général aux Droits de l'Enfant

A working session was carried out with the children of Residence Barkly on the theme of promoting children's participation.

“L'idée est d'échanger et de voir concrètement auprès des enfants comment mettre en place des projets.”

- Mr Rosset



Aligned with article 12 of the Convention on the Rights of the Child, children have the right to participate in decision-making processes on matters concerning them and to influence decisions taken in their regard within the family, the school or the community!

Visit of Délégué Général aux Droits de l'Enfant



The children found the working session with Mr Rosset very enriching!



The children actively and enthusiastically participated in drawing the perfect version of their town/village!

“Children are not things to be molded, but are people to be unfolded.”

- Jess Lair

Visit of Délégué Général aux Droits de l'Enfant

Visit of Mr Rosset to the Rehabilitation Youth Centre, Beau Bassin

15 November 2018



A meeting with the inmates of the Rehabilitation Youth Centre and the Correctional Youth Centre in the context of Mr Rosset's visit to Mauritius.

"We are doing our best to promote the rights of children at the RYC and the CYC."

*- Mr. P. Appadoo,
Commissioner of Prisons*



An interactive dialogue held with the inmates of the RYC (boys and girls) on the participation of children in the promotion of children's rights.

"The UNCRC is an international agreement that sets out every child's fundamental rights to survival and development, including the rights to education, healthcare, protection and participation."

- Save the Children, UK

Visit of Délégué Général aux Droits de l'Enfant



A meeting was also held with the young Ambassadors of the OCO and the Rectors of Ebene SSS, Belle Rose SSS and Gaetan Raynal SSS to discuss on the role of young Ambassadors in promoting the rights of the child. The possibility of conducting exchange programmes for Ambassadors of the OCO in Belgium was also discussed with Mr Rosset during the meeting.

The young Ambassadors of the OCO presented a gift to Mr Rosset who was deeply touched by this gesture!

A glowing tribute to mark the 15th Anniversary of the Ombudsperson for Children's Office!

10 December 2018

To mark the 15 years of existence of the Ombudsperson for Children's Office, Mrs Rita Venkatasawmy, the current Ombudsperson for Children, paid a visit to her predecessor, Mrs Shirin Aumeeruddy-Cziffra. 15 years ago, on the 10th of December, Mrs Aumeeruddy-Cziffra was nominated as the first Ombudsperson for Children of the Republic of Mauritius.



Mrs Shirin Aumeeruddy-Cziffra was heartened by the warm tribute and gesture of the OC

Field visits at the CDU Outstations

Field Visits to the Child Development Unit (CDU) Outstations

11-13 December 2018

As per the OCA 2003, the OC is mandated to monitor and evaluate the implementation of the Convention on the Rights of the Child by the relevant authorities through visits and reports, amongst others. Various field visits were carried out notably to the CDU Outstations across the island to get an overview on the running of child protection services in Mauritius and on potential issues related to the quality of service delivery.



CDU of Flacq



CDU of Goodlands



CDU of Bambous

The discussions held at the different CDU Outstations allowed the OC to take stock of the conditions within which the Officers of the CDU deliver child protection services

Meeting with Children at Village Hall of Bel Ombre

11 December 2018



The OC distributing the storybook “L’amour de Nani Coco pour son pays” to children at the Village Hall of Bel Ombre - an opportunity to listen to the concerns of the children and to visit the playground of the village hall which was in a deplorable state. Appropriate recommendations were made to the management of the Village Hall.



“Allowing your child to express his or her feelings, thoughts and creativity in a safe environment is one of the most important aspects of raising a child.”

- Mrs Rita Venkatasawmy

***“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

Field Visits

Visit to “Centre d’Eveil”, Bel Ombre

11 December 2018



The OC, along with her team of Investigators, visited the "Centre d'Eveil" for children in Bel Ombre which operates under the aegis of the NGO Caritas. This centre prepares children for their entrance to pre-primary school. The children befriended the OC and her team straight away!

“The best way to make children good is to make them happy.”

- Oscar Wilde

Christmas celebration at Beekrumsingh Ramlallah SSS

Christmas Celebration at Beekrumsingh Ramlallah SSS

14 December 2018

The OC was invited as the Chief Guest at the Beekrumsingh Ramlallah SSS on 14 December 2018 to celebrate Christmas together with vulnerable children. The interaction with the OC was highly appreciated by the children!



***Christmas is the season of love, joy and togetherness.
More than anyone, it is children who enjoy Christmas the most!***

Visit of the Children's Advocate

Visit of Mrs Ingrid Olga Issacks, Children's Advocate, Office of the Ombudsman, Namibia

27 January – 03 February 2019

Mrs Ingrid Olga Issacks, Children's Advocate (CA) at the Office of the Ombudsman in Namibia, visited the Ombudsperson for Children's Office (OCO) in Mauritius from 27 January to 03 February 2019. The purpose of this visit was to learn about the operational processes of the OCO.



Mrs Ingrid Olga Issacks (far centre in the picture) had many opportunities to engage with the OC, her team of Investigators, and the Secretary of the OCO, on the execution of their mandate, child-related laws of the Republic of Mauritius and the day-to-day operations of the OCO, in particular its complaint-handling procedures. She was also briefed on the history and investigation process of the OCO. Several courtesy visits and meetings were organised in view of providing Mrs Issacks with valuable insights relating to the legal frameworks implemented in Mauritius for the protection of children.

Courtesy meeting with the Hon. Minister of Gender Equality, Child Development and Family Welfare

29 January 2019



From the far left: Mrs S. Mauree, Investigator; Mrs I.O. Issacks, CA; Mrs R. Venkatasawmy, Ombudsperson for Children; Mrs Fazila Jeewa - Daureeawoo, Minister of Gender Equality, Child Development and Family Welfare; and Mrs M. Jaunbocus, Permanent Secretary of the Ministry.

The Hon. Minister, Mrs Fazila Jeewa - Daureeawoo, gave an overview of her role and the different programmes established since she took office as Minister. She also elaborated on several issues regarding the forthcoming Children's Bill, child marriage, Back to Home Programme, Foster Care and the establishment of a Children's Court.

Visit of the Children's Advocate

Courtesy meeting with the Hon. Minister of Justice, Human Rights and Institutional Reforms

29 January 2019



From the far left: Mr. I.A. Bawamia, Investigator; Mrs I.O Issacks, CA (Namibia); Mr M. Gobin, Attorney General and Minister of Justice, Human Rights and Institutional Reforms; Mrs. R. Venkatasawmy, Ombudsperson for Children; and Mrs. Asha Devi Burrenchobay, Senior Chief Executive of the Ministry.

The Hon. Minister, Mr Maneesh Gobin, provided meaningful information on the overall functioning of his Ministry and on the various measures being taken to protect and promote human rights in Mauritius. Mrs Issacks explained to the Minister her role within the Office of the Ombudsman of Namibia.

Courtesy meeting with Mr. S.M. Hatteea, Ombudsman

29 January 2019



From the far left: Mr. I.A. Bawamia, Investigator; Mrs. I.O Issacks, CA; Mr. S.M. Hatteea, Ombudsman; and Mrs R. Venkatasawmy, Ombudsperson for Children.

The Office of the Ombudsman is a member of the African Ombudsman and Mediators Association (AOMA) to which the Ombudsperson for Children's Office and the Office of the Ombudsman of Namibia are also affiliated. This meeting was an opportunity to share experiences on how they deal with cases and other best practices.

"As people think and work together, a fabric of shared meaning comes into being."

- Harrison Owen

Field visits were also organised by the OCO

30 January 2019



During her visit at the Rehabilitation Youth Centre and Correctional Youth Centre, Mrs I.O Issacks, CA, got an overview of the modus operandi of the centres and on their rehabilitation approach with respect to children's rights.

From the far left: Mr Appadoo, Commissioner of Prisons; Mrs I.O Issacks, CA; Mrs L. Jhugroo, Secretary of OCO; and Mr I. A. Bawamia, Investigator.



In the picture: Mrs I.O. Issack, CA (far left); Mrs. R Venkatasawmy, OC (far centre); and Mr M. Muturza, Chairperson of the National Children's Council (far right) interacting with the residents.

The visit to the OASIS Shelter was very enlightening as Mrs Issacks was able to take stock of how the shelter is run and the various programmes and activities that are implemented in view of promoting the best interests of the children.

"The best practices and lessons learned from my visit can be effectively utilized and implemented in order to improve the lives of the children in Namibia.

I sincerely thank the Ombudsperson for Children for this opportunity."

- Mrs I. O. Issacks, CA, Office of the Ombudsman of Namibia

Teaching Children's Rights through Story-Telling Paul Octave Wiehe Auditorium, University of Mauritius

25 February 2019

On 25 February 2019, the Ombudsman for Children's Office organised a Workshop for Pre-Primary and Primary School Teachers with the aim to sensitise them on how to promote children's rights through storytelling. More than 400 participants were sensitised on the importance of storytelling as a significant tool in promoting positive messages and values and in fostering a sense of responsibility amongst children.



***"Storytelling is such an effective tool for the teacher because it
is a powerful form of communication!"***

- Keith Caldwell

Teaching Children's Rights through Story-Telling



Throughout the workshop, the OC emphasised on the importance of using story telling as a significant tool to empower children and inculcate values to them. Participants actively engaged in role plays. The Ambassadors of Belle Rose SSS were also invited to talk about their experience of working on the illustrations of the story book entitled “L’amour de Nani Coco pour son pays”.





The participants played along and participated in the various demonstration exercises. They also expressed their enthusiasm and motivation to adopt story telling as a pedagogical tool to promote children's rights and responsibility within the community!

The teachers gave us their views on the workshop:

- *"Mo finn aprann bokou e sa pou ed mwa fer mo travay pli bien etan enn profeser."*
- *"Mo remersie Madam Rita pou sa linisiativ la, mo finn konpran ki atraver bann kont nou kapav pas mesaz pozitif e sa pou permet lavansman bann zanfan."*
- *"Mo vreman kontan sa bon partisipasyon ki finn gagne zordi ek mo sir ki sa inn motiv bann profeser pou fer enn bon travay."*

Press conference on Violations of Children's Rights at the Vedic Social Organisation

Press Conference on the “Violations of Children’s Rights: Unethical Practices by the Managing Committee of the Vedic Social Organisation”

27 February 2019

On 27 February 2019, the Ombudsperson for Children held a press conference during which the highlights of the investigation report on the Vedic Social Organisation were released. The report entitled “Violations of Children’s Rights: Unethical practices by the Managing Committee of the Vedic Social Organisation” highlighted several malpractices at the organisation which led to the closure of its last two residential care institutions namely H and S R Centre .



“All non–governmental organisations (NGOs) have the responsibility of demonstrating transparency and accountability by maintaining accurate, timely, relevant, reliable and understandable financial information. NGOs should be held accountable for how they spend money. It is an undeniable fact that mismanagement of funds can lead to violations of children’s rights.”

- Mrs Rita Venkatasawmy, Ombudsperson for Children

Press conference on Violations of Children's Rights at the Vedic Social Organisation



The investigation took seven months to complete. Factsheets on the investigation report was circulated to the members of the media. The report flagged out appalling information on the management of the Vedic Social Organisation and revealed that the members derived “personal privileges from State funds to the detriment of the welfare and best interests of the vulnerable children”.

Extracts from the Investigation Fact Sheets on Vedic Social Organisation:

“The Managing Committee of the XYO broke the limits of transparency, accountability, and good governance in several respects...”

“The other members of the Managing Committee knew very little about the affairs of the XYO. They seemed to operate as a ‘Phantom Committee’ whereby the members were merely names registered on paper and did not function as per the Rules of Association...”

“Evidence of unexplained revenue and expenditure of the XYO were discovered during the inquiry...”

Press conference on Violations of Children's Rights at the Vedic Social Organisation

Press conference on “A systemic investigation on alleged physical assault perpetrated upon a child at Shelter La Colombe”

25 June 2019

Following an incident regarding an alleged case of physical assault perpetrated upon a child at Shelter La Colombe on 09 May 2019, the Ombudsperson for Children (OC) opened an own-motion investigation. The objectives of the investigation were to enquire about the course of events that led to the alleged situation, assess whether the rights of the child had been violated, and take stock of any other factors that may have contributed to the alleged situation.



On 25 June 2019, the OC presented the key findings and recommendations regarding this case to the members of the media in the Conference Room of the Ombudsperson for Children's Office.

Press conference on Violations of Children's Rights at the Vedic Social Organisation



The OC stressing on the importance of recruiting a Shelter Manager with specialised training in the field of childcare.

Highlights of the Press Conference:

"After deliberation on all the findings of the current investigation, the OCO concluded that there were no valid evidence that the Shelter Manager had beaten [the] child."

"Training is a MUST for both staff and managers of RCIs so that they can better respond to the mental states and behaviours of their young residents."

"It is advised that not more than 20 children are accommodated within the refurbished building of Shelter La Colombe."

Women's Day celebrations at Lady Sushil Ramgoolam SSS

Invitation as Chief Guest at the Lady Sushil Ramgoolam SSS to commemorate the International Women's Day 2019

8 March 2019

The OC was invited as Chief Guest at the Lady Sushil Ramgoolam SSS on 08 March 2019 to celebrate the International Women's Day. The OC seized the opportunity to raise awareness on children's right to be protected from all forms of violence and on the importance of empowering young girls.



The Students of Lady Sushil Ramgoolam SSS extending a warm welcome to the OC.



*The OC addressing the students
on the theme of "Education for
girls is progress for all".*

***"Educated girls become the
leaders of tomorrow!"***

Women's Day celebrations at Lady Sushil Ramgoolam SSS



The staff and the students were very pleased that the OC joined them to commemorate the International Women's Day.

Independence Day Celebrations

Independence Day Celebrations - Flag Hoisting Ceremony at Quatre Bornes SSS

11 March 2019

A Flag Hoisting Ceremony on the occasion of the 51st Independence Day celebrations was organized at the Quatre Bornes SSS on 11 March 2019. The ceremony was graced by the OC who was invited as the Chief Guest on the occasion.



The Ombudsperson for Children addressed the students of Quatre Bornes SSS on the importance of loving and serving one's country! They gifted a token to the OC as a gesture of appreciation.

Flag raising ceremony at Saddul College

Flag Hoisting Ceremony at N. Saddul College

11 March 2019

For the 51st Independence Day celebrations, the OC was also invited as Guest of Honour at the Flag Hoisting Ceremony of the N. Saddul College in Vacoas.



The pupils of N. Saddul College giving a warm welcome to the OC.



The Prefect, Ms Bheeshika Mahanoo, presenting a bouquet to the OC.

World Social Work Day 2019

Colloquium on World Social Work Day 2019

28 March 2019

In the context of the World Social Work Day 2019, the Citizens Advice Bureau Organisation Staff Association conducted a colloquium entitled “Travay Social Professionel: Eski nou pe fer ase?” on 28 March 2019 at the Holiday Inn Mauritius Mon Trésor Hotel in Plaine Magnien. His Excellency Mr. Paramasivum Pillay Vyapoory, G.O.S.K, the Ag. President of the Republic of Mauritius, was the Chief Guest for the event. The Ombudsperson for Children was invited as one of the panellists. The event aimed to celebrate and recognise Social Workers as champions for social justice. About 155 people were present at this colloquium.



The Ombudsperson for Children highlighting the role of social work in protecting the rights of vulnerable populations.

“The profession of social work shares a close relationship with human rights, because it adheres to values such as respect, dignity, and self-determination.”

- I. A. Mohammed

Creative Story-Writing competition for Pre-Primary Schools of the Republic of Mauritius

Creative Story-Writing Competition for Pre-Primary Schools of the Republic of Mauritius

16 April 2019

Following the workshop held with Pre-Primary Schools on 25 February 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. A Communiqué was sent to the Managers of all Pre-Primary Schools.



The Ombudsperson for Children's Office
has the pleasure of launching a

**CREATIVE STORY-WRITING COMPETITION FOR
PRE-PRIMARY SCHOOLS OF THE
REPUBLIC OF MAURITIUS**

**Theme: "Promoting a Culture of Peace among
Young Children"**

PARTICIPATION

- Open to all teachers of pre-primary schools registered with the Early Childhood Care and Education Authority
- One registration allowed per school
- **CLOSING DATE: 01 AUGUST 2019**
- Submit by the deadline the completed registration form (see enclosed) and one hard copy of the story either **IN PERSON** at the Ombudsperson for Children's Office, 1st Floor, NPT Building, Avenue des Artistes, Beau Bassin, Mauritius, between 9h30 and 15h30, OR **BY POST**
- For more information, you may phone the office on 454 3010 / 454 3020 or email us on ombudschild@govmu.org

STORY REQUIREMENTS

- Word count: 1,500 - 2,000
- Written in English, French or Creole
- Well-structured
- Well-illustrated
- **BE AS CREATIVE AS YOU CAN BE!**

INTERESTING PRIZES FOR THE WINNER, THE FIRST AND THE SECOND RUNNERS-UP!



Communiqué addressed to Managers of all Pre-Primary Schools

Conference on Protecting Children's Rights in Sports

“Protecting Children's Rights in Sports” Mauritius Olympic Committee, Trianon

25 April 2019

In view of the forthcoming ‘Jeux des Iles de l’Océan Indien 2019’, the OC was invited by the President of the Mauritius Olympic Committee (MOC) as a Resource Person to a conference entitled ‘Protecting Children’s Rights in Sports’ which was held on 25 April 2019 at the Headquarters of the MOC in Trianon. The OC sensitised coaches and representatives of National Sports Federations on the rights of the child in sports. The workshop elicited interesting exchanges among the different stakeholders.



The OC elaborating on the forms of abuse against children and stressing on the importance of being attentive to the needs and views of children in sports

“Child athletes can be subject to violence, abuse and exploitation in sports contexts. Children have to be regularly consulted about their sporting experiences, and sports officers have to be sensitised on child protection issues.”

Sensitisation Workshop with Holistic Educators Primary

Sensitisation Workshop with Holistic Educators Primary on “The Rights and Responsibilities of Children”

26 April 2019***Paul Octave Wiéhé Auditorium, University of Mauritius, Réduit***

On 26 May 2019, the Ombudsman for Children’s Office organised a half day workshop for Holistic Educators Primary (HEP). The workshop aimed to sensitise HEPs on the rights and responsibilities of children. More than 250 educators attended the workshop.



The United Nations Convention on the Rights of the Child with focus on articles 28 and 29 stirred meaningful discussions and interaction.



The Ombudsman for Children explaining her role as mandated by the Ombudsman for Children Act 2003. Participants were sensitised on the OCO’s objects which are mainly to ensure protection of children’s rights and to promote compliance to the UNCRC.

Sensitisation Workshop with Holistic Educators Primary



A highly vibrant atmosphere was created by the participants who engaged actively throughout the workshop.



Sensitisation Workshop with Holistic Educators Primary



The HEPs played along and accepted to participate in various role plays and demonstration exercises. The OC also put emphasis on the importance of story-telling as being instrumental in communicating knowledge and guiding students to develop a strong and healthy identity.

Feedback of the HEPs on the workshop

"Mo tenir a remersie ou ek ou lekip pou sa travay la ek mo pa regrete mo finn vinn sa workshop la malgre ki nou an vakans skoler, li ti vo lapenn nou vini!"

"Sa workshop la pou ed mwa pli konpran mo bann zelev ek ed zot dan zot difikilte."

"Sa latelie travay la ti vreman interesan e li ti bien anime. Mo finn resi aprann boukou zafer e mersi a ou madam."

Promoting Ethical Practices by Managing Committees of NGOs Working for Children

“Promoting Ethical Practices by Managing Committees of NGOs working for Children”

30 April 2019

The Ombudsman for Children’s Office in collaboration with the Independent Commission Against Corruption (ICAC) organised a workshop for NGOs working with children entitled “Promoting Ethical Practices by Managing Committees of NGOs working for Children” on 30 April 2019. The activity was held at the ICAC Headquarters, Reduit, and more than 125 representatives of NGOs working with children attended the event. The workshop aimed to raise awareness on the importance to combat corruption and to promote good governance among NGOs working with children.



Promoting good governance and ethical practices require concerted efforts of stakeholders and actors at all levels.

Mr Medavy M. Munien, Chairperson of the National CSR Foundation, Mrs Rita Venkataswamy, Ombudsperson for Children, and Dr. N. Beekarry, Director General of ICAC, addressed the audience on several themes including corruption, ethics, transparency, accountability and management of funds. A booklet entitled 'Building Integrity: A Best Practice Guide for NGOs' was distributed to all participants. The booklet comprises of a checklist which aims at providing an anti-corruption framework for NGOs.



Address by
Mr Medavy M. Munien,
Chairperson of the National
CSR Foundation

The Director General of ICAC in his address emphasized on the importance of having a functional monitoring mechanism to ensure that the wellbeing of children is safeguarded.



Poor governance and corruption can lead to a brittle administration with a lack of direction, in which board members and staff are unprepared for prospects, and uncertain as to how best they can contribute for the betterment of children.

Promoting Ethical Practices by Managing Committees of NGOs Working for Children



Mrs Rita Venkatasawmy, Ombudsperson for Children, urged representatives of NGOs present at this event to make full use of the booklet 'Building Integrity: A Best Practice Guide for NGOs' so as to assess the proper functioning of their respective NGOs.

"Bad governance is a serious violation of children's rights!"

Good governance is essential to all segments of the populace, but is above all significant to children because bad governance not only affects the lives of children now, but diminishes their prospects for the future.

Presentation on 'Strengthening good governance and ethical practices in NGOs' by Mr Raj Awotarowa, Chief Corruption Prevention Officer, ICAC



Mr Awotarowa explaining on the definition of corruption as per the Prevention of Corruption Act (PoCA) 2002 and on the mandate of the ICAC

The Prevention of Corruption Act (PoCA) 2002:

- *establishes the ICAC;*
- *complies with the main provisions of the United Nations Convention against Corruption (UNCAC);*
- *criminalises the offence of corruption and money laundering and establishes the offences of corruption (sections 4-17);*
- *provides the ICAC with a mandate to investigate into corruption and money laundering;*
- *provides the tools and procedures for investigation and with a prevention and education mandate; and*
- *sets up the ICAC Parliamentary Committee (5 persons from the government and 4 persons from the opposition, to discuss policy matters NOT cases).*

What is an act of corruption as per the PoCA 2002?

An act of corruption means an act which constitutes a corruption offence and includes

- *any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;*
- *the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;*
- *the abuse of a public or private office for private gain;*
- *an agreement between 2 or more persons to act or refrain from acting in violation of a person's duties in the private or public sector for profit or gain;*
- *any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of person influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.*



Good governance guides the process of decision-making and how decisions are implemented.

Key points highlighted during this workshop

Principles of Good Governance

- *Compliance with the law and public disclosure.*
- *Transparency, accountability and predictability.*
- *Strong financial oversight.*
- *Use of proper methods for fundraising.*

Causes of Corruption in NGOs

- *The application of good governance principles allows any organisation including NGOs to meet its vision and mission in an effective manner whilst corrupt practices work against its interests.*
- *Corruption is a problem of behaviour where members abuse of their position to serve their private interests rather than that of their NGOs.*

Misuse of Power/Authority within NGOs

- *Power/authority refers to the freedom/power of some members, for example Chairperson, deputy Chairperson and Secretary of an NGO, to decide among several options on behalf of the organisation.*
- *High powers without accountability mechanisms in the hands of a restricted number of persons provide significant opportunities for malpractices/corruption.*
- *Power/authority may be misused to benefit some NGO members or stakeholders.*

Lack of Transparency within NGOs

- *Lack of transparency is the result of an absence of clear description of procedures at the level of NGOs and limited access to appropriate information.*
- *Opacity combined with other weaknesses in NGOs may create a fertile ground for corruption and other malpractices.*

Key points highlighted during this workshop (ctd)

Erosion of values

The level of development of an NGO largely depends on values which include integrity, trust and responsibility being upheld by its members. The absence of values hampers the normal functioning of an NGO.

Inadequate monitoring and evaluation

- *Monitoring and evaluation form part of the preventive strategy to fight against corruption. Monitoring includes robust internal administrative and financial controls, and the establishment of a Code of Ethics.*
- *Failure to have in place systems and procedures to monitor and evaluate activities of the NGO provides opportunities for members to abuse processes to serve their own private interests.*

Negative perception of good governance within some NGOs

Good governance is perceived by some NGOs as being expensive, time consuming and a waste of resources. However, it is the only process that can truly sustain NGOs' vision, mission and goals; financial management and administration; and their partnering and networking.

Risks of corruption within NGOs

- *Risks of corruption may be linked to the field of work of the NGOs, the nature of their operations and type of activities they undertake such as humanitarian relief, service delivery or advocacy.*
- *Most of the time, NGOs are resourced by funds over and above government grants which renders them vulnerable. This can give rise to NGOs colluding with other stakeholders/members and indulging in corrupt practices to secure funding and other benefits.*
- *The risk of corruption may exist from simplest tasks such as a cash withdrawal to the management of more complex projects.*

Key points highlighted during this workshop (ctd)

Some examples of risks of corruption and malpractices which may occur within an NGO are as follows:

- *Delaying decisions against gratification.*
- *Losing or tempering with files/records.*
- *Those concerned by an information are made aware beforehand of the execution of a decision.*
- *Communicating matters of substance on decisions to third parties against gratification.*
- *Abuse of authority.*
- *Corruption and malpractices arising during recruitment, fund raising, financial management, project management and procurement.*

Conflict of Interests within NGOs

Conflict of interests is a situation in which outside interests affect or are perceived to affect the ability of an individual to make fair and impartial decisions on behalf of the NGO, for example:

- *When a board member of a grant-making NGO is also the executive director of a grantee organisation.*
- *When a board member of an NGO is also the executive director of another NGO that competes for the same pool of funds.*
- *When a board member obtains an interest free loan from the organisation.*
- *When a board member's spouse is hired to provide professional services to the NGO.*
- *When a board member is related to a member of the staff.*

What can be done when a situation of conflict of interests arises within an NGO?

- *NGO member shall forthwith disclose in writing to that public body the nature of such interest.*
- *NGO member shall not vote or take part in any proceedings of that public body relating to such decision.*

The Role and Responsibilities of any NGO relative to Anti-corruption

- *Support the fight against corruption.*
- *Draw attention of relevant authorities on the damaging effects of corruption and advocate on strengthening the fight against corruption.*
- *Create networking among NGOs on actions against corruption - NGOs should work together and complement each other.*
- *Promote organisational values in NGOs.*
- *Act as a vigilance group against corruption.*
- *Formulate, adopt and monitor anti-corruption policies within NGOs.*
- *Review systems and processes in NGOs prone to corrupt practices.*
- *Organise capacity building programmes to empower members and service users to recognise, resist, reject and report corruption.*
- *Be in line with the principles of transparency, accountability and integrity when making decisions and implementing actions within NGOs.*



A presentation on 'Good Governance: Promoting Children's Rights' by Mrs Rita Venkatasawmy, OSK, Ombudsperson for Children



The Ombudsperson for Children described her role and mandate as per the Ombudsperson for Children Act 2003. She elaborated on an investigation that her office carried out regarding unethical practices by the managing committee of an NGO (see summary below) and how these led to multiple violations of children's rights.

Case summary of the OCO's investigation on an NGO that managed residential care institutions (RCIs) for children

Methods used during the investigation:

- *Call for files from relevant authorities and the NGO.*
- *Individual and group interviews of children residing in the RCIs run by the NGO.*
- *Interviews of all members of staff and the Managing Committee of the NGO.*
- *Interviews with key stakeholders (e.g. Registry of Associations, high level officials of the Ministry of Gender Equality, Child Development and Family Welfare).*
- *Visits to the children in their new placements.*

Key findings from the investigation:

1. Violations of the rights of the children residing in the RCIs of the NGO:

- *Physical and verbal abuse against children residing in the RCIs.*
- *Overcrowding and lack of personal space and hygiene facilities.*
- *Low quality food served to the children in the RCIs.*
- *Lack of respect of the rights of the children to religious freedom and leisure.*

2. Unethical practices by the Management Committee of the NGO:

- *Eight out of ten members were closely related, indicating that the NGO was a 'family business'.*
- *Members of the Managing Committee derived financial benefits and personal privileges from State funds.*
- *The Committee operated as a 'phantom Committee' where some board members were not involved in the affairs of the NGO.*
- *There were large sums of money which were retrieved monthly without any evidence of receipt.*
- *There were evidence of unexplained revenue and expenditure.*

Key recommendations:

- *Quality monitoring and supervision of RCIs.*
- *Adapted training for RCI staff on the UNCRC and the GACC.*
- *Law enforcement among NGOs working with children.*
- *Instilling and maintaining good governance within NGOs through improved networking between governmental bodies and NGOs.*
- *No compromise on financial investments in children's rights.*

Mr Vishal Ragoobur, Research and Development Manager, and Mrs Priscilla Ladegourdie-Ravaton, Programme Manager, presented on the funding strategies of the National CSR Foundation (NCSRF).

The main functions of the NCSR Foundation

- *To act as the central body for funding of NGOs.*
- *To undertake programmes and projects by requesting and examining call for proposals.*
- *To approve private sector Corporate Social Responsibility (CSR) programmes.*
- *To establish and update a register of NGOs and allocate funds accordingly.*
- *To monitor and evaluate CSR programmes.*
- *To promote the United Nations Sustainable Development Goals.*



*Mr V. Ragoobur,
Research and
Development Manager,
NCSR Foundation,
explaining the funding
strategies adopted by
the NCSR which aimed
at promoting social
innovation*

Promoting Ethical Practices by Managing Committees of NGOs Working for Children



Mrs Ladegourdie-Ravaton, Programme Manager of the NCSRF, giving an overview of the problems faced by NGOs and wrongful practices that were observed to take place.

Main difficulties and doubtful practices noted by the NCSRF when conducting monitoring checks in NGOs

- *Conflicts of interests;*
- *Discriminatory practices, e.g. 'family business' or no fair recruitment;*
- *Elections not held on a regular basis;*
- *No formally established Managing Committee;*
- *No Annual General Assembly;*
- *No Annual Audited Report;*
- *No existence of an internal and external audit system;*
- *No proper book-keeping for cash transactions;*
- *No appropriate authorisation before carrying out financial transactions;*
- *No asset register; and*
- *Different sources of funding for the same project.*

Other points made by the NCSRF during the workshop

Eligibility criteria for registration of NGOs with the NCSRF

- *Legal status, that is, the NGO should be registered with the Registrar of Association/Companies.*
- *Adequate and proper bookkeeping system with certified financial statements for at least the last two years.*
- *Being a non-profit organisation that does not discriminate on the basis of race, place of origin, political opinion, colour, creed or sex.*
- *Having a governance structure that respect democratic principles, transparency and accountability.*
- *Not being involved in non-qualifying activities as per the Charter of the National CSR Foundation.*

Importance of Good Governance in NGOs

An NGO which promotes good governance has to

- *be accountable and transparent and foster professionalism with regard to operations and service delivery;*
- *have a good financial accounting, budgeting and audit system;*
- *demonstrate good decision-making and planning; and*
- *properly monitor and evaluate its processes.*

How does the NCSRF deal with breaches within NGOs benefitting from CSR programmes?

- *The Funding Contract Agreement is terminated and disbursement of funds is stopped.*
- *The NGO is deregistered from the register of the NCSR Foundation;*
- *Legal actions are initiated to recover any amount already disbursed.*

Sensitisation Campaigns on Parental Alienation

Sensitisation Campaign entitled “Say No to Parental alienation: Children Deserve the Love of Both their Parents”

April 2019 – December 2019

The Ombudsperson for Children’s Office is carrying out a sensitisation campaign entitled “Say No to Parental alienation: Children Deserve the Love of Both their Parents” from April 2019 to December 2019. The campaign is aiming at raising awareness among the population on the fact that children have the right to a loving and nurturing relationship with both their parents. The sensitisation campaign is being carried out in the 35 Citizens Advice Bureaus (CAB) across the island and in Rodrigues.



The OC explaining the types of child abuse, the concept of parental alienation and its impact on the wellbeing of the child to the participants at the CAB of Bel Air on 04 April 2019.

Parental alienation syndrome (PAS) is a term coined by Child Psychiatrist Richard Gardner to define a distinct array of behaviors in children that comprises displaying unjustified anxiety, disregard or hostility towards a parent.



The OC engaged in an interactive dialogue on the issue of parental alienation at the CAB of Curepipe on 11 April 2019.

Parental alienation is not a family issue but a human and child rights issue. It is a gross violation of article 9 of the United Nations Convention on Rights of Child.

Sensitisation Campaigns on Parental Alienation

The main mandate of the Ombudsperson for Children's Office is to promote the rights and best interests of all children in the Republic of Mauritius. The citizens of the Republic of Mauritius, including children themselves, must be educated on parental alienation and its negative effects on children and families.



The CAB of Plaine Magnien mobilised more than 150 people comprising students, police officers, and social workers to participate in the sensitisation campaign at the Lecture Theatre of France Boyer de La Giroday SSS on 23 May 2019. The audience participated actively on the theme of parental alienation.

L'enfant a droit à ses 2 parents et à ses grand-parents



Respectons les droits des enfants, des parents et des grand-parents



OMBUDSPERSON FOR CHILDREN'S OFFICE
1st Floor, NPF Building, Avenue des Artistes - Beau Bassin
Tel: 454 3010 • Fax: 454 3037 • E-mail: ombudschild@govmu.org

Posters are being distributed across Mauritius

Training on Conflict Management at the Workplace

09 May 2019



In order to enhance the capacity and skills of the OCO's staff, the Civil Service College organised a full day training on "Conflict Management at the Workplace" in collaboration with the OCO on 09 May 2019. This was held in the conference room of the OCO.

The objectives of the training programme were to:

- *Understand conflict resolutions;*
- *Be able to develop skills and qualities a person should have in order to resolve conflict;*
- *Develop conflict management skills and conflict resolution techniques in the workplace; and*
- *Develop the right skills for success.*



Sensitisation Campaign on Violence and Indiscipline at School

Sensitisation Campaign on Violence and Indiscipline at School

May 2019 – June 2019

In the face of growing violence and bullying in schools, the Ombudsperson for Children's Office organised sensitisation campaigns on the themes of violence and indiscipline in 16 secondary schools across Mauritius. 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.



*The OC explaining the mandate of the OCO and the relevance of the UNCRC to the pupils of Jean Marie Frank Richard SSS on **13 May 2019**.*

Sensitisation Campaign on Violence and Indiscipline at School

Article 19 of the UNCRC stipulates that children must be protected from all forms of violence, abuse, neglect, maltreatment or exploitation. In its General Comment No.13 (2011), the UN Committee on the Rights of the Child included physical bully and hazing by other children in its definition of physical violence.



*The OC engaged the students of Professor Hassan Raffa SSS on demonstration exercises on the topic of violence on **14 May 2019***

Sensitisation Campaign on Violence and Indiscipline at School



*Investigator. I.A. Bawamia animating a session at the Swami Sivananda SSS on the topic of violence and indiscipline at school on **08 May 2019***



*Investigator. I. A. Bawamia interacting with the students of Pamplemousses SSS on the forms of abuse and their impact on the wellbeing of children on **27 May 2019***

Workshop on Empowering the Girl Child

14 May 2019

The Ombudsperson for Children's Office organised a workshop entitled "Protecting the Girl Child and Empowering her as a Human Rights Defender" on Tuesday 14 May 2019 at the Palms Hotel. The objective of the workshop was to sensitise adolescent girls on the importance of ending child marriage, saying no to teenage pregnancy and protecting girls from violence and education. Sixty young girls from the NGOs – MAM, SAFIRE, ANFEN and Dis-Moi – and Medco Cassis Secondary School attended this activity.



The OC explaining the aim and purpose of the workshop and engaging the young girls in a discussion on the consequences of teenage pregnancy

Workshop on Empowering the Girl Child



The participants actively engaging in discussions



The workshop was highly participative and elicited a good response



Bonding activities between the young participants

The girls shared their views on the workshop:

- *“Nou’nnkonn boukou kitsoz ki pa ti kone. Nou’nn pas enn bon moman fer konesans.”*
- *“Pas enn bonn zourne, konn bann drwa. Mo’nn kontan zis tou.”*
- *“Merveyez zourne avek Madam Rita e nou’nn konn bann drwa, konn konsekans groses prekos, ledikasion etc.”*
- *“Konpran ki konvansyon regroup tou zanfann. Bien akeyir nou, fer boukou kamarad, pas enn bonn zourne.”*
- *“Aprann boukou kitsoz, kado, diskite lor diferan pwin, permet nou exprim nou, manze ek apresie sa lazourne.”*
- *“Remersie OCO, nou bann tifi extreman bien apresie e ‘look forward’ a plis bann aktivite ansam pou fer sa lazourne enn reisit.”*



Giving children a voice promotes their self-esteem and self-worth

Protecting the Girl Child and Empowering her as a Human Right Defender

Protecting the Girl Child and Empowering her as a Human Right Defender

12 June 2019

The Ombudsperson for Children's Office organised a workshop on 12 June 2019 on the same theme entitled "Protecting the Girl Child and Empowering her as a Human Right Defender" with a group of 13 young girls of the Rehabilitation Youth Centre (RYC) in the Conference Room of the OCO. The aim was to sensitise them on the importance of ending child marriage, saying no to teenage pregnancy, protecting girls from violence, and education.



The OC welcoming the participants and explaining the rationale of the workshop to the young girls.

Mrs Sharona Mauree and Mrs Sandhya Johaheer, Investigators, supervised two workgroups on "Just Imagine" activities which are activities that involve evoking the young girls' imagination. They were asked questions such as "Just imagine you have a magic wand, what would you do?" or "Just imagine you could change something about the world, what would that be?" The activities motivated and enabled the young girls to believe in their abilities to catalyse change and mobilise others to do the same.



A participant singing “Anita my love” by Anne-Sophie Paul

Feedback from the young girls of RYC

- *“Mo’nn kontan lafason ki ou ek ou biro inn akeyir nou. Kan nou al lezot plas dimounn get nou avek enn lot regar.”*
- *“Premie fwa mo finn gagn lokazion ekrir mo soufrans e mo zistwar.”*
- *“Mo ti pou kontan revinn ou biro pou enn lot aktivite mem si ou pa donn nou manze bwar madam Rita.”*
- *“Nou santi nou lib, nou tou kamarad nou finn resi defoul nou san ki dimounn vey nou e nou finn santi nou lib.”*
- *“Mo’nn santi mwa dan enn lotel koumadir. Mo’nn bien kontan latansion e mem manze ki nou finn gagne.”*
- *“Mo pa anv retourn RYC, si nek mwa mo res isi mem...”*

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health

Sensitisation / Dialogue with Nursing Officers on the Rights of the Child to Health

10 June 2019

In view of promoting children's right to health and compliance with the United Nations Convention on the Rights of the Child, the Ombudsperson for Children's Office organised a one-day workshop with Nursing Officers working with children on 10 June 2019 at the Gold Crest Hotel, Quatre Bornes. The aims of the workshop were to sensitise Nursing Officers on the importance of protecting the right to health of children when they visit or are admitted to health centres, and to take stock through interactive dialogue of issues/problems encountered while performing their duties.

His Excellency, Mr. Paramasivum Pillay Vyapoory, G.O.S.K, the Acting President of the Republic of Mauritius, was invited as the Guest of Honour for the opening ceremony.



Welcome address by Mrs. Sandhya Johaheer, Investigator



Address by His Excellency, Mr. Paramasivum Pillay Vyapoory, G.O.S.K, the Acting President of the Republic of Mauritius

His Excellency highlighted the importance of the three 'Domains of Learning' - Cognitive, Psychomotor and Affective. He pointed out that Nursing Officers must respond to the physical, emotional and developmental needs of children. He encouraged the participants to be more caring and respectful towards patients, especially children who are among the most vulnerable.



We have to develop trust and rapport with children in need of care through empathy, genuineness and a non-judgmental approach.

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



Promoting the right of the child to quality health requires the concerted efforts of all frontline institutions including families, schools and health care providers, especially Nursing Officers working with children.



The Workshop was attended by 60 Nursing Officers from the Jawaharlal Nehru Hospital, Victoria Hospital, Dr A.G. Jeetoo Hospital, Flacq Hospital and the Brown Sequard Mental Health Care Centre (BSMHCC). Nurses who work with children were targeted for this session.

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



Mr. Feroze Lallmohamed, the Ag. Nursing Director, also addressed the audience. He stressed on the nobleness of the profession. He encouraged Nursing Officers to work on the promotion and protection of the health of children in a holistic manner, and to honour ethical and legal precepts to respect and ensure their rights within health care settings.



“Being a nurse offers you the chance to make a difference and I heartfully thank the OCO for having organised a workshop which would empower the Nursing Officers to better safeguard the child’s right to health.”

- Mr Feroze Lallmohamed, Ag. Nursing Director

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



In her address, **Mrs. Rita Venkatasawmy, Ombudsperson for Children**, highlighted the important role of Nursing Officers in promoting the child's right to health. She pointed out that a pre-requisite to promoting children's rights is the awareness of these rights. Hence, everyone has a responsibility to know what the rights of the child are and to include or consider these rights within their practice. She also emphasised that children are eligible to quality health care services, including prevention, promotion, treatment and rehabilitation services. Health care professionals, especially Nursing Officers, should not only provide health care services, but should also report on any cases of violation of children's rights and/or any form of injustice endured by the child.



“State Parties recognise 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 to access to such health care services.” (UNCRC, article 24 (1))

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



“Children have the right to survive, grow and develop to their full potential within a context that promotes and fosters their physical, emotional and social wellbeing.”

- Mrs Rita Venkatasawmy

The OC also advanced that children at risk because of issues in their family and social environments are particularly vulnerable and they require special interventions that can enhance their coping and life skills. She reiterated that Nursing Officers working with children are important actors in the promotion of children’s rights in the hospital setting.

Session on the Role and Functions of the Ombudsperson for Children's Office

The OC queried participants on the role and functions of the Ombudsperson for Children's Office (OCO) and they gave a variety of responses, for example:

- *The OCO ensures that children's right to health is not violated.*
- *The OCO resembles the role of the police but in safeguarding the rights of the child.*
- *The OC is not someone who remains in her office but is also on the field.*

This exercise helped the participants clear any misconception that they had regarding the mandate of the OCO.



The OC explaining participants on the powers of her office

Examples of Powers of the Ombudsperson for Children

- *The Ombudsperson for Children is the spokesperson and defender of children's rights.*
- *She advises all relevant stakeholders in the child domain.*
- *She makes proposals to relevant Ministers on how to improve the lives of children.*
- *She investigates violations of the rights of the child.*
- *She carries out mediation between different parties involved in children's cases.*
- *She advocates for the promotion and protection of children's rights.*



During the discussions, Mr Ram Nowzadick, President of the Mauritius Nursing Association, and many of the participants engaged in an open dialogue with the OC regarding the quality of service delivery to children within the different hospitals and health care centres of Mauritius.

The OC also told participants about her team's visit to Agalega. She highlighted on the difficulties faced by Agalean children at the hospital. In addition, she talked about the challenges she encounters whenever she enters premises with regard to an investigation. Participants were also informed that the OCO annually submits its Report to the President of the Republic of Mauritius.

Participants suggested valuable points as they got more clarity on the role and functions of the OCO:

- *One participant who was a Charge Nurse stated that he was not aware that the OCO could call at any time in a hospital in view of an investigation.*
- *All participants unanimously requested that the OCO addressed a circular to the Senior Chief Executive of the Ministry of Health and Quality of Life so that this information could be disseminated across all Hospitals and Area Health Centres.*
- *Many of them pointed out that there are at present around 4000 nurses who are not aware of the role and functions of the OCO and on many pertinent issues related to children's right to health.*
- *They also requested that pamphlets be distributed to all hospitals so that Officers of the OCO do not face hurdles when they visit hospitals in the context of any investigation related to the child.*
- *Participants also requested that the OCO provides training on the role and functions of the OCO and on children's right to health as part of the mandatory training for Nurses.*
- *One participant from the BSMHCC proposed that all nurses get refresher courses and that they also have the opportunity to get specialised training.*



Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



The participants were assigned to different tables to brainstorm on case studies pertinent to issues related to the rights of the child to health. One designated member from each table was invited to share a summary of these discussions.



Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings

DIFFICULTIES WITH PARENTS/FAMILIES IN THE WARDS:

1. **Parental custody issues:** Nursing Officers face many challenges pertaining to children with divorced parents. It happens many times that a parent who does not have custody of a minor picks up the child from the hospital at discharge. This leads to problems when the parent who actually has the custody of that minor comes to fetch the child. Nursing Officers feel that they lack understanding of parental custody issues and their implications.
2. **Argumentative families:** During visiting hours, Nursing Officers at times have to deal with parents and grandparents who have conflictual relationships and who end up arguing in the ward. Sometimes, the families lack respect for the Nursing Officers and the children admitted on the ward, and they can be quite vociferous.
3. **Overcrowding during visiting hours:** There are often too many visitors at a time, and it becomes difficult for Nursing Officers to attend to and monitor children and their families in the wards.
4. **Parents not respecting medical advice:** While the child is under treatment at the hospital, some parents often insist for their child's discharge against medical advice. This is a serious issue regarding the child's right to health.
5. **Lack of collaboration from some accompanying parents:** There are instances whereby the parent staying with the child is not collaborative with the treatment procedures. For example, some accompanying parents may at times prevent Nurses from administering treatment to the child when they perceive that it is too early in the morning and that their child needs to rest. The Nurses are of the view that this is to the detriment of the child's effective treatment.

Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings (ctd)

6. **Child declaration issues:** *There has been cases where parents have inappropriately declared their child. The child bore different names on different sheets. Unregistered or inappropriately registered children are likely to be less visible, and sometimes less valued. These children often belong to groups who suffer from other forms of discrimination.*



A participant stressing on the difficulties Nursing Officers face when administering treatment to children and when dealing with challenging parents/families

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings (ctd)

CHILDREN/YOUNG PEOPLE INVOLVED WITH THE CHILD DEVELOPMENT UNIT (CDU):

- 1. Delays in clearance from the CDU:*** Nursing Officers highlighted the lack of coordination among, Doctors, Medical Social Workers and the CDU. When Doctors grant discharge to children who were placed by the CDU, the Nursing Officers have to wait for the clearance of the Medical Social Worker and that of the CDU. They also pointed out that the CDU, in most of the cases, do not send a formal clearance, but does so over the phone.

Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings (ctd)

2. **Teenage pregnancy cases:** *In cases of teenage parents, the procedures for child discharge can get quite lengthy. Participants added that there is a lot of cases of teenage pregnancy at the hospital, especially among young people under the age of 16. Some of these cases also involve teenage mothers aged 15 who are pregnant for the second time. Cases of sexually transmitted diseases among teenage mothers are also on the increase, which is alarming.*
3. **Children with challenging behaviours referred by the CDU:** *At times, children with highly challenging behaviours are admitted to the hospital by the CDU. They create a lot of disturbance for the other sick child patients and it is very difficult to enforce discipline with them.*
4. **Child protection cases:** *Sometimes, the Police brings children suffering from different forms of abuse or neglect for admission to the hospital which is a place of safety. These children end up staying at the hospital for long periods of time – days and, at times, months – while awaiting conclusion of procedures by the CDU. This is challenging for Nursing Officers because they are not trained or equipped to look after such cases on a long-term basis. Often, these children do not have proper or sufficient clothes and the Officers, at times, voluntarily bring clothes from their own homes to cater for the children's needs. Another difficulty is that, children brought by the CDU are at times admitted in the paediatric ward. While these children are not sick, they are nonetheless exposed to risks of infection when they are in contact with other children who are sick.*
5. **Children from residential care institutions (RCIs):** *Nursing Officers noted that some carers who accompany children living in RCIs speak in a rude manner with the children, which demonstrates their lack of training in child welfare. Furthermore, there have been cases where RCIs do not come to pick up the children upon discharge, which creates a lot of disturbance in the children's behaviours.*



Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings (ctd)

DIFFICULT CONDITIONS IN THE WARDS:

1. Problems with the age criteria of children in wards: Children between the ages of 0 to 11 years are admitted in the paediatric ward, while those above 12 years are admitted in the adult ward. The Nursing Officers stated that it was highly problematic to have minors above 12 residing with male patients who, for instance, are HIV positive and/or have substance abuse problems.

One participant highlighted that, at the Brown Sequard Mental Health Care Centre (BSMHCC), all children under 18 years are admitted in the same ward. Nursing Officers have to constantly watch over the younger children who are, at times, prone to verbal and physical assault by the older children. Often, the older child patients influence the younger ones to carry out disruptive behaviors. The Officers also reported sexualised behaviors among the children.

Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings (ctd)

2. Lack of logistics in wards for parents/carers staying overnight with a child:

Sometimes, mothers who are staying along and looking after their child in the ward do not have a place to rest. The sleeping accommodation is limited to a chair. Furthermore, Nursing Officers highlighted the gender issue whereby a father is not allowed to stay with his child who is below 5 years when the latter is admitted. There are instances where the child does not have a mother and it is solely the father who can look after the child. There is no accommodation for the father to stay at the hospital while his below 5-year-old child is admitted. With regards to the BSMHCC, there is no provision for any parent or relative to stay with admitted children below the age of 11 years.

3. Issues with discipline with heterogenous groups of children admitted to the wards:

Children aged 15-17 years old often do not listen to the Nursing Officers and it becomes increasingly difficult for them to impose discipline in the wards. Children who excessively use their smart phones and social media often quarrel with the staff to have their phones back.

The Nursing Officers also observed that children who come from unstable families and who have been exposed to problems such as violence and prostitution display conduct disorders and are difficult to manage in the wards. Young people who are sexually active sometimes indulge other children into displaying age-inappropriate sexualised behaviours.

Besides, the Officers said that they do not know how to speak with and approach children who have suicidal tendencies and who indulge in self-harm. They are also unsure as to whether they have the right to restrain children when they become physically violent towards other children and Officers. Children's behavioural and mental health issues hinder the administration of their effective treatment.

4. Lack of food variety: *Children are repetitively provided with the same type of meal in the wards, despite many requests having been made by Nursing Officers that the meals need to be varied.*

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



The participants actively engaging in these brainstorming sessions and hoping that their words will reach policy makers through the OCO's Annual Report 2018-2019

Nursing Officers talked about the challenges and difficulties they faced while working with children in health care settings (ctd)

OBSTACLES TO PROPER REHABILITATION OF CHILDREN IN THE WARDS:

- 1. Inadequate recreation for children admitted in wards:** *There is a lack of entertainment and leisure activities in the paediatric ward and the children often feel bored. Staying at the hospital can be a lonely and daunting time for patients of all ages. The Nursing Officers also flagged the lack of appropriate toys for young children and the lack of books and drawing materials.*
- 2. Lack of qualified staff and poor communication between disciplines:** *Working in paediatric wards requires a wide range of paediatric training, skills, and experience and there is a shortage of such specialist Nursing Officers in paediatric wards.*
- 3. Insufficient logistics for proper rehabilitation:** *There is no dayroom facility allocated specifically for rehabilitation activities for children who are in need of specialised therapy. The Nursing Officers also pointed out the lack of proper recreational/diversional therapy and occupational therapy for the children who are admitted on the wards. They deplored the lack of a holistic approach to cater for the proper rehabilitation of the child.*
- 4. Language barriers in treatment:** *Child patients who come to Mauritius specifically from Comoros Island for treatment often face linguistic difficulties. They usually lack the assistance of an interpreter and so it becomes difficult to provide a proper diagnosis to the child and administer the necessary treatment.*
- 5. No psychological services in the cancer ward:** *There are no Clinical/Health Psychologists based at the Child Cancer Ward. Children with this terminal disease should be able to have regular psychology sessions, which is not the case currently.*

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



Participants discussed on a series of proposals on how to overcome some of the above-mentioned challenges

Participants' proposals on how to improve the situation with children in health care settings

- *Nursing Officers need to be provided with specialised training in paediatric nursing and also with regular refresher courses on several topics related to the health and wellbeing of the child.*
- *Specialised therapists and support workers must regularly attend the wards to assist children who are admitted for long periods of time in therapeutic, recreational and educational activities.*
- *The number of visitors allowed at a given time must be limited so as to ensure better monitoring of the children who are admitted in the wards.*
- *Nursing Officers of the BSMHCC would like to get specialised training in child psychiatry so that they can handle children with psychiatric needs more efficiently.*
- *At the BSMHCC, all children under 18 years should not be accommodated in the same ward and there should be a separate ward for younger children.*
- *There should be a specialised unit that deals with children victims of different forms of abuse and neglect and who are brought to the hospital by the CDU. Nursing Officers should be specially trained to provide the appropriate services within this unit.*
- *Regarding the language barriers for child patients from Comoros Island, it was proposed that the Comoros Consular can be contacted to get the services of an interpreter.*
- *More awareness sessions on psychosocial and legal aspects of children's issues should be organised for Nursing Officers across the Republic of Mauritius.*

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



The OC deliberating on the various measures that need to be put in practice to ensure that Nursing Officers advocate for the rights to life, dignity and health of hospitalised children within their work.

Recommendations by the Ombudsperson for Children's Office

- *In relation to problems concerning children of divorced parents, it is recommended that this should be taken up at the Management level of hospitals. Upon admission, it must be clearly verified and recorded which parent or legal guardian has the custody of the child.*
- *In the best interests and wellbeing of the child, it is recommended that a side ward is arranged for fathers who are the sole caretakers of children below 5 years old who are admitted in hospital.*
- *Special consideration, or a fast-track system, should be established for the treatment of children with different types of disabilities. The nurses dealing with these children must also be provided with appropriate specialised training.*
- *A specialised hospital for children suffering from psychiatric problems should be set up separately from existing hospital structures. The personnel should consist of Child Psychiatrists, Child Psychologists, and Psychiatric Nurses specialised in child psychology. Wards should be separated for different age groups.*
- *Hospitals should modernise their facilities and services for the proper rehabilitation and treatment of child patients.*

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health

Sensitisation Campaign: “Violans detrir lavenir zanfán: Aret violans kont zanfán nou repiblik”

15 June 2019

The Ombudsperson for Children’s Office in collaboration with the Ministry of Justice, Human Rights and Institutional Reforms (MJHRIR) launched a national sensitisation campaign entitled “Violans detrir lavenir zanfán: Aret violans kont zanfán nou repiblik” on 15 June 2019 at the Victoria Bus Terminal, Port Louis. The campaign aimed at raising mass awareness on the negative impact of violence and abuse on children. Posters were affixed at the back of the buses of the National Transport Corporation, a company that serves the most bus routes nationwide, in view of targeting the population at large.



The OC explaining the purpose of this joint venture with the MJHRIR and on the objectives of launching a national campaign to sensitise the population on ending violence against children.

“As Human Rights Institutions, we have the duty to promote awareness, understanding and respect for all human rights, particularly those of children who are amongst the most vulnerable groups.”

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



For the launching of the campaign, the OC and Ms Asha Devi Burrenchobay, Senior Chief Executive of the Ministry of Justice, Human Rights and Institutional Reforms, unveiled the poster that is affixed at the back of the NTC Bus. This poster was affixed on 60 buses of the NTC.



Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



“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.”

- UNCRC, article 19(1)

As per the OCA 2003, the OC shall promote the rights and best interests of children through regular awareness and sensitisation activities and the promotion of compliance with the UNCRC. The present campaign represents a unique collaboration with the Ministry of Justice, Human Rights and Institutional Reforms focused on ending violence against all children through concerted actions. All children have the potential to be happy, healthy and successful. Experiencing violence denies a child of that potential and affects a child's health, wellbeing and future. The effects can stay with them for life and hence ending violence against children is everybody's business.

Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health



A short trip from the Victoria Bus Terminal to Casernes Port Louis and back!



The OCO is thankful to the Police Officers who ensured that the launching of the campaign was held smoothly.

“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.”

- UNCRC, article 19(2)

A two-day workshop on violence with stakeholders from the Republic of Mauritius

Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence ***Goldcrest Hotel, Quatre Bornes***

24 – 25 July 2019

The Ombudsperson for Children's Office organised a 2 day-workshop entitled "Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence" on 24 and 25 July 2019. Sixty-five participants attended the workshop. They consisted of representatives of statutory and non-statutory bodies from Mauritius, Rodrigues and Agalega, and the President of the Chagossian Welfare Fund. The activity aimed at evaluating current local interventions in the fight against violence against children within the home, school, care, justice and community settings, and formulating recommendations on how to improve them or introduce new initiatives.

*The opening ceremony of the workshop was graced by the presence of important personalities including the **Hon. Mrs Leela Devi Dookun-Luchoomun**, Minister of Education and Human Resources, Tertiary Education and Scientific Research, **Hon. Mr Maneesh Gobin**, Attorney General, Minister of Justice, Human Rights and Institutional Reforms, and **Her Excellency Mrs Moumina Houmed Hassan**, Minister of Women and Family of the Republic of Djibouti.*



Welcome address by Mrs S. Johaheer and Ms B. Jogarah, Investigators

A two-day workshop on violence with stakeholders from the Republic of Mauritius



The OC stressing on the importance to think holistically about the issues of violence against children and children as perpetrators of violence.

“We often receive complaints asking us to put these children in correctional centres. An abusive child has most probably been a victim of violence in the past.”



Her Excellency Mrs Hassan emphasising the urgency of rethinking strategies to protect children from all forms of violence, prevent them from happening and mitigate their consequences.



The Attorney General flagging the importance of having committed people at the head of decision-making bodies to support the development of a systematic framework that efficiently responds to protecting children from violence.



The Hon. Minister Mrs Dookun-Luchoomun highlighting the significance of establishing proper mechanisms to protect the rights of children and urging stakeholders present to take actions so that children feel safe and secure at home, at school and within the community.

A two-day workshop on violence with stakeholders from the Republic of Mauritius



Official launching of a poster campaign on Parental Alienation of the Ombudsperson for Children's Office by the Hon Minister Mrs L.D. Dookun-Luchoomun (second from the right), the Hon. Attorney General Mr M. Gobin (far right) and Her Excellency Mrs Hassan, Minister of Women and Family of Republic of Djibouti (far left)



The Atelier Theatre Pierre Poivre in collaboration with the OCO performed 3 acts to demonstrate that violence against children can occur in any setting be it at home, school or a justice institution. This led to discussions on the risks of child abuse and on measures to be taken to curtail these risks from a child rights perspective.

A two-day workshop on violence with stakeholders from the Republic of Mauritius



Participants were categorised into 4 workgroups depending on the setting of violence against children that is most relevant to their field of intervention, namely **Home/Family, School or other Educational Settings, Care or Justice Institutions and Community**. Stakeholders were also asked to refer to the UN Secretary-General's report on the World Report on Violence Against Children (Pinheiro, 2006) and to the UN Committee on the Rights of the Child's General Comment No. 13 (2011) on the 'right of the child to freedom from all forms of violence'.



A two-day workshop on violence with stakeholders from the Republic of Mauritius

A panel chaired by the OC and consisting of Mr Vijay Ramanjooloo, Clinical Psychologist and Mr Samiollah Lauthan, Social Worker and Member of the National Human Rights Commission, interacted with the audience on the causes of violence against children.



Mr. Vijay Ramanjooloo explained the concepts of secure and insecure attachments and how they impact on a child's development and behaviours.



Mr Samiollah Lauthan talked on the prevalence of young children as drug abusers and drug dealers and on his concern over the number of reported cases of children victim or perpetrators of violence. He also stressed on the dynamics of dysfunctional families and their negative impact on child development.

A two-day workshop on violence with stakeholders from the Republic of Mauritius



Designated members from each working group were interviewed by the OC on their brainstorming results. Interesting insights on existing interventions that protect children from all forms of violence within different settings emerged. Recommendations on how to improve these interventions were also proposed. The present stakeholders engaged in meaningful reflections and also suggested a variety of new measures relevant to multiple sectors.

“Violence against children is never justifiable. Nor is it inevitable. If its underlying causes are identified and addressed, violence against children is entirely preventable.

- Kofi Annan, UN Secretary-General, 2006

Case Conferences held at OCO

Case Conferences held at the Ombudsperson for Children's Office

The Ombudsperson for Children firmly believes in the concept of UBUNTU translated as "I am because we are". Stakeholders must work together to achieve a shared purpose - protecting and promoting children's rights! The OCO organises case conferences to gather information about particular cases, and discuss the links between the presenting issues (micro level) and their systemic implications (macro level), and recommend solutions.



A case conference was held on 25 September 2018 to discuss ways of ensuring the best interests of a minor with behavioural difficulties charged with larceny.



The OC held a case conference on 23 January 2019 to identify urgent solutions regarding a case of child abandonment.

Meeting with Parents of Children with Special Needs on the Rights of Children with Disabilities

31 January 2019

Over a period of time, the OCO had received a number of complaints on poor service delivery for children with disabilities and/or alleged violations of their rights. In this context, the OC invited a group of parents of children with special needs which included parents whose complaints had satisfactorily been dealt with by the OCO and those who had pending complaints. The aims were to empower parents to seek solutions and to provide them with an opportunity to network with relevant stakeholders. Twenty-three parents were present for the meeting.



The OC explaining the purpose of the meeting to the participants.

***“Unless you are raising a child with special needs, you don’t
know what it is like to yearn for normal.”***

- Jodi Durr, Writer on parenting

Meeting with Parents of Children with Special Needs

The objectives of this meeting were to:

- *assess whether the rights of children with disabilities are being respected;*
- *identify the hurdles which prevent children with disabilities from enjoying these rights; and*
- *hear voices of parents who have children with disabilities.*



Representatives of the Disability Unit, Ministry of Social Security, National Solidarity and Reform Institution (MSSNSRI); the Special Education Needs Unit, Ministry of Education and Human Resources (MEHR); and the Early Childhood Care and Education Authority (ECCEA), a Senior Psychologist from the MEHR, and the Investigators of the OCO were also present for the meeting.

*“Unless you are raising a child with special needs,
you don’t know what it’s like to try everything.”*

- Jodi Durr, Writer on parenting



A mother relating the challenges she faces to cater for the needs of her severely disabled child.

During the meeting, all the parents who were present recounted the obstacles they faced one way or the other because their children have a disability. Some of these obstacles are described as follows:

1. Red Taping/Administrative slowness

This issue was illustrated by one parent who talked about her experience with a certain authority. According to the parent, her daughter is partially deaf and had to wear a hearing aid. She went to that authority to apply for a hearing aid and she was told that the process could take around 2-3 years. Her daughter performed well at school but was at a disadvantage without a hearing aid. She had to take a loan to be able to pay for a hearing aid for her daughter.

2. No customer care

Many parents deplored the fact that when they go to different authorities, some officers show no empathy. Most parents said that certain officers made them feel like they were lying.

3. Difficulties with the Medical Board

Parents, whose children had to go through the Medical Board to get approval for specific benefits, said that it was a very stressful experience and that some doctors can be very harsh with the children. As a result, the children are emotionally and psychologically affected.

4. Transport problems

Even though transport for children who attend school is free, there are cases of children with disabilities who attend private specialised schools. It is often a hassle for them to get a school pass so as to benefit from free transport.

5. Housing issues

Some parents complained that it is difficult for them to get housing facilities. They said that the fact that their children have physical disabilities is not considered as a priority criterion by authorities. Some of them rent houses. One of them lives on the first floor and he has to carry his child everyday up and down the stairs. Another parent pays MUR 6000 for rent and her child has muscular dystrophy. She has applied for a house since a while and is still waiting.

6. Buildings not disabled-friendly

Many buildings in Mauritius are not disabled-friendly and this causes a clear discrimination against children with disabilities.



A father explaining the several hurdles he faced to better take care of his disabled twin daughters, who are sadly no more.

7. No individual carers for children with disabilities attending mainstream schools

Parents whose children attend mainstream schools and have different disabilities such as autism, Attention Deficit Hyperactivity Disorder (ADHD) or dyslexia made requests to obtain individual carers for their children. They said that they were sent back and forth between the SEN Unit of the Ministry of Education and Human Resources and the Early Childhood Care and Education Authority (ECCEA).

During the meeting, the representatives of the SEN Unit and the ECCEA explained that the ECCEA is concerned only with children in pre-primary schools while the SEN Unit is concerned with children from Grade 1 to Grade 3. The representative of the SEN Unit told the parents that the request has to be approved by the SEN Committee for children at primary level prior to an assessment. The representative of the ECCEA explained that there are teachers who are not willing to have a carer in the class, but that she does look into specific cases to find other solutions. For example, in a particular case, a child with autism who was not potty trained used to stay a whole day with a dirty diaper. She was able to negotiate with a caretaker and, with the approval of the parent, the caretaker daily changes the diaper of the child.

*“Unless you are raising a special needs child,
you also don’t understand the determination.*

It takes perseverance to choose to show up every day.”

- Jodi Durr, Writer on parenting

Meeting with Parents of Children with Special Needs



A representative of the Disability Unit of the MSSNSRI taking stock of the concerns of the parents present and deliberated on the measures being enacted at the Ministry to ensure that the parents get an effective and efficient service.



The OC emphasised on how the administrative slowness impacts on the wellbeing of children with disabilities and urged representatives of the various Ministries present to come up with means to fast-track procedures at their levels in view of ensuring the best interests and wellbeing of children with disabilities.

Meetings at OCO



Meeting with Mrs Patricia Francourt, Education and Skills Development Consultant, on 17 September 2018 around a support programme for children with a variety of special needs.



Meeting with Officers of Brigade Pour La Protection des Mineurs on 23 January 2019 to explore areas of collaboration for the promotion of the rights of the child.



Courtesy visit of Human Rights Activists from the Johannesburg Holocaust and Genocide Centre, South Africa, accompanied by Mr Lindley Couronne of the NGO Dis-Moi. Discussions were held around the possible areas of collaboration on youth and leadership programmes.



Visit of Radio Plus at the OCO in the context of the International Women's Day Celebrations on 08 March 2019.

"Leadership is having a compelling vision, a comprehensive plan, relentless implementation, and talented people working together."

- Alan Mulally,

Former President and Chief Executive Officer of the Ford Motor Company

Meetings at OCO



On 23 July 2019, the OC welcomed at her office Her Excellency (Mrs) Moumina Houmed Hassan, Minister of Women and Family of the Republic of Djibouti, who was in Mauritius for a “visite d’étude dans le cadre du renforcement de l’assistance aux populations les plus vulnérables, en particulier les enfants et les femmes”. Discussions were mainly about the role and functioning of the OCO, an office which is first of its kind in Africa, in ensuring that child-related policies, legislation and practices within the Republic of Mauritius are aligned with the principles and provisions enshrined by the UNCRC. Her Excellency expressed an intention to set up a similar office in the Republic of Djibouti.

Meetings outside OCO



Celebration of “Journée Kreol”, 22 October 2018

“Since 2012, Kreol is being taught in schools. This is a very good initiative, but let us not forget that the UN Committee on the Rights of the Child drew the attention of Mauritius in 2015 to the importance of using Kreol, the mother tongue of our children, as a teaching medium. Learning in the mother tongue allows the child to gain more knowledge.”

- Rita Venkatasawmy, Ombudsperson for Children



Meeting of the OC with His Eminence Cardinal Mgr Maurice E. Piat, Bishop of Port Louis, 25 March 2019

They discussed on the two protocols of the Catholic Church in Mauritius regarding Child Sexual Abuse. The OC also presented to him a copy of the OCO’s Annual Report 2017-2018.

Meetings outside OCO



***Meeting with the UK Ambassador,
24 April 2019***

The OC met with His Excellency Mr Keith Allan, UK Ambassador, in view of supporting the training of front-line officers of Rodrigues in dealing with cases of children victims of different forms of abuse.



Mrs Sandhya Johaheer addressing the audience on the role of the OC and the responsibilities of parents towards children.

Annual Parents Day organised by the Sir Hurrylall Chooroomoney Pre-Primary Govt School at the Sookdeo Bissoondoyal Complex, 30 May 2019

Meetings outside OCO



***'Day of the African Child' celebration
by the CAB Bois des Amourettes on
22 June 2019***

*Investigator, Mr. I. Bawamia,
addressing the audience on the rights
of the child, emphasising on the right
to education.*



***'Workshop on Human Rights'
organized by the National Human
Rights Commission on 26 June 2019***

*The OC explaining that children's
rights are human rights.*



*A participant played along and
accepted to participate in
demonstration exercises on the
theme of violence against children.*

Visits at schools

The significance of the Right to be Heard and Child Participation

The OC visited many schools during the course of investigations. She met with several young children and adolescents. Children and young people can significantly contribute to the betterment of the society if given the opportunity to freely express themselves in safe and secure environments. The OC strongly believes that allowing children to freely express their opinions immensely contributes towards a culture of peace in the community and society at large.



Visit to Curepipe College, 29 March 2019

The OC engaged in discussions with the Head Boys and Prefects of the Curepipe College.

Youngsters also need to be valued as reliable social agents.



Visit to the P.K. Boolell Govt School, Montagne Blanche, 04 April 2019

The OC interacting with the students of Grade 1 (of the P.K. Boolell Govt School, Montagne Blanche)

Participation contributes to personal development.



Visit to Visitation RCA School, Vacoas, 08 April 2019

The OC talking to the pupils of Visitation RCA on the importance of values at school

Children need to be accepted as fully-fledged individuals.

“Article 12 is also concerned with making sure children and young people feel able to express their opinions. It says that they shouldn’t feel their opinions will be dismissed or regarded as invalid because of their age.”

- Children and Young People’s Commissioner Scotland

Collaboration with Media

Promoting the rights of children through the media

The OC often collaborates with the media to promote awareness on the role and functions of the OCO as well as to sensitise the population on the importance of protecting the rights and best interests of children of our Republic.



“Promote public understanding and awareness of the importance of children’s rights and, for this purpose, work closely with the media and undertake or sponsor research and educational activities in the field.”

*Committee on the Rights of the Child, General Comment No. 2 (2002) on
‘The role of independent national human rights institutions in the promotion and
protection of the rights of the child’*

Congress of the AOMF

**6-9 November 2018
Brussels, Belgium**

The 'Association des Ombudsmans et Médiateurs de la Francophonie' (AOMF), to which the Ombudsperson for Children's Office is affiliated, organised its '10ème Congrès' in Brussels and Namur, Belgium, from 06 to 09 November 2018. The theme of the 'Congrès' was "L'AOMF 1998-2018 : 20 ans au service des médiateurs et de L'État de droit".



The 'Congrès' provided an opportunity to take stock of the considerable work carried out by the AOMF and to lay the foundations for the upcoming actions of the AOMF with the same shared objectives of strengthening the rule of law and defending the fundamental rights of citizens.

Mission Overseas

***‘Sharpening your teeth’
training Advanced Investigative Training
for Administrative Watchdogs***

***5-7 November 2018
Toronto, Canada***

Mr Ismail Bawamia, Investigator, was delegated by the Ombudsperson for Children to attend a training course held from 5-7 November 2018 at the Conference Centre of the Ontario Bar Association, Toronto, Canada. The course aimed at helping investigators working in Ombudsman Offices to acquire valuable skills in interviewing, assessing evidence, writing reports and using all forms of media to engage the public in the context of a systemic investigation. This course was carried out in collaboration with International Ombudsman Institute to which the OCO is affiliated.



The course was attended by some 100 investigators and other technical staff from several Ombudsman offices in the world.



Investigator, I. A. Bawamia and other participants discussing on how challenging cases are managed by their respective organisations. The participants also talked about their best practices.

General Assembly AOMA

***27-30 November 2018
Rwanda***

The OC attended the General Assembly of the African Ombudsman and Mediators Association (AOMA) which took place from 27-30 November 2018 in Kigali, Rwanda, focusing on the theme of the 'Role of the Ombudsman/Mediators in Promoting Transparency and Accountable Governance in Africa.'



The 6th AOMA General Assembly provided an opportunity for dialogue and prolific recommendations related to AOMA finances, the standing of membership contributions and a Strategic Plan. One of the most interesting discussions of this Assembly was about using mass education, especially with the young generation, as a fruitful way to end corruption. This can help youngsters to grow up with the awareness that corrupt practices have detrimental consequences at multiple levels, and with the commitment to build a clean and trustworthy society, free from corruption, for the benefit of all.



From the left -

***Mr Mohamed Fayek,
President of National
Council for Human Rights
of Egypt;***

***Mrs Rita Venkatasawmy,
Ombudsperson for
Children; and***

***Mr. Soleman Hatteea,
Ombudsman of Mauritius***

**Mrs Rita Venkatasawmy,
Ombudsperson for
Children with a
representative of the
General Assembly of the
AOMA, Rwanda**



“Le travail avec les familles et l’enfant : Enjeux et méthodes” organised by ‘L’Ecole de la Protection de l’Enfance’

**8-9 January 2019
France**

Mrs. S. Johaheer, Investigator, was delegated by the Ombudsperson for Children to attend a Seminar on "Le travail avec les familles et l'enfant: Enjeux et méthodes" organised by 'L'Ecole de la Protection de l'Enfance' in France. The 2 - day seminar hosted by this institution brought together professionals working in various fields related to children's rights. The main topics covered were about the basic needs of children, different models to understand children in need, ways to make a difference in the lives of children under institutional care, social attitudes and stigmatisation of children under institutional care, the importance of social recognition for a child, 'le croisement des savoirs', and ethical issues in childcare.



In the far back of the picture: Jean-Marie Vauchez, Pedagogical Coordinator (left), Mohamed l’Housni, Speaker (centre) and Mr. Thierry Arnoux, Pedagogical Coordinator (right)



Investigator S. Johaheer participating in group discussions on the universal needs of a child

Take-away messages from this Seminar

- *It is important to carry out in-depth research on parent-child dynamics, for example, research on parental involvement in the achievement and adjustment of their children in life. This may lead to a better understanding of the underlying causes of different problems faced by children and enable stakeholders to find appropriate solutions that can address these issues.*
- *Training on children's rights and matters designed for caregivers should involve learning ways of improving the self-confidence and self - esteem of the children they work with.*
- *At all levels, children's voices must be respected in determining their best interests.*
- *Regular case conferences involving relevant stakeholders should be organised to settle family disputes and to provide timely solutions in the best interests of the children.*

Mission Overseas

"23ème Session de Formation des Collaborateurs et des Médiateurs Membres de LAOMF"

18-20 June 2019**Rabat, Morocco**

Investigator, Mrs Sandhya Johaheer, participated in a Seminar entitled 'Les droits des personnes en situation de handicap et l'accessibilité des services publics' which was organised by the 'Association des Ombudsmans et Médiateurs de La Francophonie' (AOMF) on 18-20 June 2019 in the Mediator Institution of Morocco, Rabat. The 3-day seminar was based on 4 modules, namely "Le handicap aux prismes de la Convention internationale des droits des personnes handicapées", "La protection des droits des personnes en situation de handicap (PSH) dans la relation avec l'administration", "Les engagements des Ombudsmans et l'Initiative Nationale pour le Développement Humain (INDH) pour la protection des personnes en situation de handicap" and "Etude des cas pratiques".



The objectives of the sessions were to ensure that the rights of disabled people are respected as per the UN Convention on the Rights of Persons with Disabilities; and to guarantee the inclusion of persons with disabilities in academic and professional fields.



The event brought together 20 participants from countries such as Bénin, Côte d'Ivoire, France, Mauritius, Morocco, Nigeria, Senegal, Seychelles, Canada and Belgium.



Investigator, Mrs S. Johaheer, and other participants discussing on challenging cases being dealt by their respective institutions with regards to the right to education of children with disabilities.

Mission Overseas



Take-away messages from this Seminar

- *The Investigator got an insight on the situation and policies/practices of the different participating countries regarding persons with disabilities, including children with disabilities.*
- *Whilst formulating policies for long-term strategic planning, Government should prioritise the needs of people with disabilities, including children with disabilities.*
- *The Investigator learnt that the Mediator Institution of Morocco strongly values the concept of working together for sustainable results.*

CONFERENCE AND MEETINGS AT THE OCO

SN	DATE	THEME	PARTICIPANTS
1.	04.09.18	Paintings for Book "Nani-Coco"	Teacher and students of Belle Rose SSS
2.	12.09.18	Drugs in Schools	Rector of St Esprit College
3.	13.09.18	Universal Children's Day Preparations	Headmasters of Primary Schools to participate in Universal Children's Day
4.	13.09.18	Universal Children's Day Preparations	Representatives of residential care institutions (RCIs)
5.	29.09.18	Preparatory meeting Universal Children's Day	Young Ambassadors of Belle Rose SSS and two children from each participating RCI
6.	05.10.18	Substance abuse among minors	Officers from the Anti-Drug and Smuggling Unit
7.	29.10.18	Universal Children's Day Preparations	Teacher and students Belle Rose SSS
8.	30.10.18	Children in conflict with the law	Officers from the National Preventive Mechanism Division
9.	31.10.18	Issues concerning children	Officers from BPM
10.	09.11.18	Universal Children's Day Preparations Drawing on Bags	Children from SOS Children's Village
11.	12.11.18 - 17.11.18	Visit of Representative of AOMF (Belgium)	Mr. Pierre Yves Rosset
12.	21.11.18	Issues affecting children in the academic sector	Director of Zones, Ministry of Education, TE & SR
13.	16.12.18	Child Friendly Budgeting	President and Coach of the NCSR Foundation

SN	DATE	THEME	PARTICIPANTS
14.	04.01.19	Rights of children in RCIs	Head of the Child Development Unit
15.	09.01.19	Allocation of colleges to PSAC students	Secretary of the Union of Private Secondary Education Employees
16.	16.01.19	Case conference regarding a social aid issue	Mauritius Revenue Authority, Medical Unit, Social Security and MPILT
17.	23.01.19	Issues at the BPM	Officers of BPM
18.	23.01.19	Case conference regarding a case of child abandonment	Social Workers, NGOs and CDU Officers
19.	24.01.19	Teaching child rights through story-telling	Officers of the Early Childhood Care Education Authority (ECCEA)
20.	27.01.19 - 03.02.19	Visit of Child Advocate from the Office of the Ombudsman of Namibia	Mrs Ingrid Olga Issacks
21.	30.01.19	Case conference regarding minors at risk while accessing guesthouses	BPM, Mauritius Tourism Authority and CID Officers
22.	30.01.19	Child Labour Report 2018	Officers of the US Embassy
23.	19.02.19	Discussion meeting on the setting up of a billboard	Staff of Trait D'Union
24.	19.02.19	Discussion meeting on the setting up of a billboard	Infographist
25.	27.02.19	Press Conference on the "Violations of Children's Rights: Unethical Practices by the Managing Committee of the Vedic Social Organisation"	Press members
26.	08.03.19	Visit in the context of the Women's Day Celebrations	Radio Plus

SN	DATE	THEME	PARTICIPANTS
27.	13.03.19	Team Building	Staff of the Ombudsperson for Children's Office
28.	13.03.19	Matters related to residential care institutions (RCIs)	Officer-in-Charge of the Alternative Care Unit
29.	19.03.19	Management of RCIs	Officer of Etoile du Berger
30.	20.03.19	Good Governance-NGO Sector	President and members of MACOSS
31.	20.03.19	Management of RCIs	President and Managing Committee of Havre d'Avenir
32.	25.03.19	Management of RCIs	President of the NCSR Foundation
33.	26.03.19	Management of RCIs	Staff of Havre d'Avenir
34.	27.03.19	Guests House Complaints	Officer of Black River District Council
35.	28.03.19	Management of RCIs	Registrar of Associations
36.	01.04.19	Workshop on children's rights and good governance	Registrar of Associations
37.	05.04.19	Meeting on the Sexual Abuse Protocol of the Catholic Church	Representative of the Bishop of Port Louis
38.	05.04.19	Story Telling Competition	ECCEA
39.	08.04.19	Problems children are facing at RYC	RYC Officer
40.	09.05.19	Training on Conflict Management by the Civil Service College	Staff members of the OCO
41.	10.05.19	Campaign for posters on bus	Director of Rental Express
42.	10.05.19	Campaign for posters on bus	Salim Gungah (Free Lance)

SN	DATE	THEME	PARTICIPANTS
43.	13.05.19	A case of sexual assault	Rajni Lallah from LALIT
44.	15.05.19	Request for an appointment	Project Manager of the Delegation of the European Union
45.	16.05.19	Problem at Shelter La Colombe	Carer
46.	28.05.19	Investigation at Shelter La Colombe	All members of NCC committee, OCO and Investigators
47.	30.05.19	Courtesy visit	Three international guests from South Africa from the Johannesburg Holocaust and Genocide Centre accompanied by Mr Lindley Couronne of Dis-Moi
48.	03.06.19	Sensitisation of young citizens of Mauritius by using Forum Theatre for social change	Mr. Rowin Narraidoo of Atelier Theatre Pierre Poivre
49.	04.06.19	Appointment regarding issues related to the Centre Fraternité Nord-Sud	Dr Yannick Bosquet, Lecturer in Language Studies at the University of Mauritius
50.	04.06.19	Child sexual abuse interview	MBC
51.	25.06.19	Press conference on a systemic investigation on alleged physical assault perpetrated upon a child at Shelter La Colombe	Press Members
52.	12.07.19	Draft proposal report on sexual offences	Mr Sabir Kadel from the Law Reforms Commission
53.	23.07.19	Study visit of the Minister of Women and Family Affairs of the Republic of Djibouti in the context of strengthening support to vulnerable populations, especially children and women	Her Excellency Mrs Moumina Houmed Hassan, Minister of Women and Family Affairs, Republic of Djibouti, and Lalini Veerassamy, Head of Mission for OIM Djibouti

CONFERENCE AND MEETINGS OUTSIDE THE OCO

SN	DATE	THEME	PARTICIPANTS
1.	28.09.18	Presentation of OCO's Annual Report to the Acting President of Mauritius	Ombudsperson for Children's Office / Office's of OCO
2.	28.09.18	Informative session on children's rights and parenting	André Bazerque Govt School
3.	02.10.18	Garlanding ceremony and lunch offering to children of Safire for Gandhi Day	MGSSS, Moka
4.	12.10.18	Preparations for Universal Children's Day	Coordinator, SOS Children's Village
5.	22.10.18	Round Table ZIK - Journée International Langue Creole	Creole Speaking Union at the University of Mauritius
6.	26.10.18	Célébrons La Méthode Gordon	Gordon Training Mauritius at Hotel Anari, Flic en Flac
7.	27.10.18	Human Rights Education Online Project seminar	Le Defi
8.	02.11.18	Halloween show for vulnerable children (La Belle et la Bête vous invitent dans leur château hanté)	CEDEM
9.	12.11.18	Rehearsal at MGI for celebration of Universal Children's Day	Ombudsperson for Children's Office / Office's of OCO
10.	18.11.18	Celebration of Universal Children's Day 2018	National Children's Council
11.	21.11.18	Opening ceremony and networking	Mauritius Bar Council
12.	22.11.18	How can staff promote children's rights in their work with vulnerable children?	CEDEM

SN	DATE	THEME	PARTICIPANTS
13.	05.12.18	Christmas & End of Year Celebrations	European Union Ambassador
14.	08.12.18	Christmas Celebrations	Light of Hope
15.	09.12.18	Reception in honour of the Diplomatic Corps in Mauritius	Prime Minister & Mrs. K. Jugnauth
16.	10.12.18	Launching of video clips for Human Rights Awareness	Ministry of Justice, HR & IR
17.	10.12.18	Celebration of 15th Anniversary of OCO-Visit to Mrs. Cziffra	Ombudsperson for Children's Office
18.	13.12.18	Christmas reception with Carols	British High Commissioner, Floreal
19.	14.12.18	Christmas Celebrations	Beekrumsingh Ramlallah SSS
20.	20.12.18	Team Building at Le Morne	Ombudsperson for Children's Office
21.	08.01.19	Meeting with the Minister of Housing & Land regarding State land allocated to a school for the disabled	Ombudsperson for Children's Office
22.	15.01.19	Meeting	Acting President of Mauritius
23.	18.01.19	Talk on Human Rights and Disability	Minister of Justice and Correctional Services of the Republic of South Africa
24.	22.01.19	Meeting	Vice Prime Minister & Acting Minister of Gender Equality, CD & FW
25.	31.01.19	Banquet on the occasion of the visit of President of Mozambique	Prime Minister & Mrs. K. Jugnauth
26.	28.02.19	Sensitisation of school representatives	Ministry of Education, HR, TE & SR and Directorate Health & Wellness
27.	08.03.19	Guest of Honour for Celebration of Women's Day	Lady Sushil Ramgoolam SSS

SN	DATE	THEME	PARTICIPANTS
28.	08.03.19	Reception for the International Women's Day and launching of "Rise & Shine" Gender Rights Campaign	Ambassador of the European Union
29.	11.03.19	Independence Day Celebrations - Chief Guest for Flag Raising Ceremony	Saddul College, Vacoas
30.	11.03.19	Independence Day Celebrations - Chief Guest for Flag Raising Ceremony	Quatre Bornes SSS
31.	11.03.19	Banquet in connection with the Independence Day Celebrations	Prime Minister & Mrs K. Jugnauth
32.	12.03.19	Official ceremony of the National Independence Day at Champ de Mars	Prime Minister's Office
33.	13.03.19	Garden Party for the National Independence Day Celebrations	Office of the President
34.	14.03.19	Brainstorming session regarding workshop for caregivers	National Children's Council
35.	21.03.19	World Down Syndrome Day 2019	Down Syndrome Association
36.	25.03.19	Child Sexual Abuse protocol of the Catholic Church	Bishop of Port-Louis
37.	28.03.19	Management of RCIs	Director of ICAC
38.	28.03.19	World Social Work Day 2019	Citizen Advice Bureau Coordinator National Development Unit
39.	01.04.19	Child Rights and Good Governance	ICAC
40.	03.04.19	Child Rights and Good Governance	ICAC
41.	23.04.19	Residential Care Institutions	MBC Radio Kool FM

SN	DATE	THEME	PARTICIPANTS
42.	24.04.19	Supporting the training of front-line officers of Rodrigues in dealing with cases of children victims of different forms of abuse	Political Specialist, US Embassy
43.	24.04.19	Supporting the training of front-line officers of Rodrigues in dealing with cases of children victims of different forms of abuse	British Ambassador, British High Commission
44.	24.04.19 - 26.04.19	Training on State Party Reporting to Treaty Bodies	Ministry of justice, Human Rights and Institutional Reforms
45.	25.04.19	Protecting children's rights in Sports	Mauritius Olympic Committee
46.	30.04.19	Promoting ethical practices by managing committees of NGOs working for children	ICAC
47.	09.05.19	Europe Day Reception - Rise & Shine Campaign	Ambassador of the European Union
48.	15.05.19	Farewell lunch to Deputy Chief of Mission	US Embassy
49.	21.05.19 - 22.05.19	Workshop organised by the Ministry of Justice, Human Rights and Institutional Reforms on four key capacities of NCRF	Hennessy Park Hotel
50.	23.05.19 - 24.05.19	Workshop organised by the Ministry of Justice, Human Rights and Institutional Reforms on the National Recommendation Tracking Database	Hennessy Park Hotel
51.	29.05.19	Workshop on Human Rights organised by the Human Rights Commission	Le Sirius, Le Labourdonnais Waterfront Hotel, Port Louis

SN	DATE	THEME	PARTICIPANTS
52.	30.05.19	Parents' Day celebrations	Sir Hurrylall Chooroomoney Pre Primary Government School
53.	11.06.19	Meeting with the Steering Committee on UNCRPD	Ministry of Social Security, National Solidarity and Environment and Sustainable Development
54.	12.06.19	Preparatory meeting for the intercountry dialogue	European Union, Port Louis
55.	13.06.19	The commemoration of the Day of the African Child	NCC and Ministry of Gender Equality, Child Development and Family Welfare at the Salle de Fetes, Plaza, Rose Hill
56.	20.06.19	Committee meeting about research on the sociocultural representation of violence on women, children and LGBT	PILS, Port Louis
57.	22.06.19	Day of the African Child	CAB Bois des Amourettes
58.	26.06.19	Workshop on Human Rights organised by the National Human Rights Commission	Mauritius Gymkhana Club, Vacoas
59.	27.06.19	Sensitisation session on children's rights	TIPA Curepipe
60.	27.06.19	Expert committee meeting for Kolektif Drwa Imin on the selection of a consultant	PILS, Port Louis
61.	10.07.19	Case conference on childhood behavioural problem	St Enfant Jesus RCA school, Rose Hill
62.	10.07.19	Steering committee on recommendations made by the UN committee on the Rights of Persons with Disabilities	Ministry of Social Security, National Solidarity and Environment and Sustainable Development
63.	11.07.19	Meeting with the Solicitor General in connection with the legal representation of the OCO	NPF Building, Port Louis

SN	DATE	THEME	PARTICIPANTS
64.	13.07.19	Reception in relation to Independence Day Celebrations	Résidence de France, Port Louis
65.	15.07.19	Inauguration of the Multisports Complex	Mauritius Multisports Infrastructure Ltd, Côte D'Or
66.	17.07.19	Sensitisation on preventing child sexual abuse in the context of the WATCH Programme	Sofitel Imperial
67.	26.07.19	Meeting about the reviewing of the National Human Rights Action Plan	City Council Chamber, Port Louis

AWARENESS CAMPAIGNS AT CITIZENS ADVICE BUREAUX ON PARENTAL ALIENATION

SN	VENUE	DATE
1.	Route Nicolay	07.06.18
2.	Chemin Grenier	21.06.18
3.	Bambous	28.06.18
4.	Plaine Magnien	05.07.18
5.	Rose Hill	12.07.18
6.	Pamplemousses	19.07.18
7.	Floreal	26.07.18
8.	Montagne Longue	02.08.18
9.	Riviere des Anguilles	09.08.18
10.	Colline Monneron	23.08.18
11.	Rose Belle	30.08.18
12.	Petite Riviere	06.09.18
13.	Triolet	13.09.18
14.	Quartier Militaire	20.09.18
15.	Riviere Noire	27.09.18
16.	Lallmatie	04.10.18
17.	Goodlands	11.10.18
18.	Bel Air	18.10.18
19.	Curepipe	11.04.19
20.	Triolet	18.04.19
21.	Bambous	02.05.19
22.	Grand Bois	09.05.19

SN	VENUE	DATE
23.	Piton	16.05.19
24.	France Boyer de la Giroday, Plaine Magnien	23.05.19
25.	Quatre Bornes	30.05.19
26.	Goodlands	06.06.19
27.	Riviere du Rempart	13.06.19
28.	Pointe aux Sables	20.06.19
29.	Rose Hill	27.06.19
30.	Black River	04.07.19
31.	Centre Flacq	11.07.19
32.	Route Nicolay	18.07.19
33.	Vacoas	25.07.19

FIELD VISITS BY THE OCO IN 2018-2019

SN	DATE	VENUE
1.	14.08.18	Vallée des Pretres Govt. School
2.	14.08.19	Rehabilitation Youth Centre Boys
3.	17.08.18	APRIM
4.	20.08.18	APRIM
5.	21.08.18	APRIM
6.	22.08.18	Shelter Oasis
7.	22.08.18	Quatre Bornes SSS
8.	22.08.18	MGSS Solferino
9.	22.08.18	Lycée Mauricien
10.	22.08.18	Petit Verger Govt School
11.	24.08.18	C. Maingard SEN Resource Dev. Centre
12.	24.08.18	Rivière des Anguilles SEN School
13.	24.08.18	Shelter Oasis
14.	24.08.18	Shelter La Colombe
15.	29.08.18	B Rosunee Pre-Primary School
16.	30.08.18	Havre d'Avenir, Beau Bassin
17.	30.08.18	Jules Koenig Govt School
18.	03.09.18	Sodnac SSS
19.	07.09.18	Institute of Islamic & Secular Studies
20.	12.09.18	St Esprit College
21.	17.09.18	Verdun Govt School
22.	18.09.18	Shelter Oasis

SN	DATE	VENUE
23.	08.10.18	Sookdeo Bissoondoyal College
24.	09.10.18	Rehabilitation Youth Centre Girls
25.	17.10.18	Labourdonnais Govt School
26.	17.10.18	Raoul Rivet Govt School
27.	17.10.18	Notre Dame de Bon Secours RCA
28.	17.10.18	Dr O. Beugeard Govt School
29.	17.10.18	Guy Rozemont Govt School
30.	17.10.18	Soortee Soonee Govt School
31.	17.10.18	Dr I A Goomani Govt School
32.	17.10.18	Jean Lebrun Govt School
33.	17.10.18	Notre Dame de Lorette RCA
34.	17.10.18	De La Salle RCA
35.	17.10.18	Young Men's Hindu Govt School
36.	17.10.18	Sir Edgar Laurent Govt School
37.	17.10.18	Villiers Rene Govt School
38.	17.10.18	St Francois Xavier RCA
39.	17.10.18	Coeur Sacré de Jesus RCA
40.	17.10.18	Abdool Rahman Abdool
41.	17.10.18	Père Laval RCA
42.	17.10.18	Elsie Prele Govt School
43.	17.10.18	Marcel Cabon Govt School
44.	17.10.18	La Briquetterie Govt School

SN	DATE	VENUE
45.	17.10.18	Nicholas Govt School
46.	17.10.18	Emmanuel Anquetil Govt School
47.	17.10.18	Dr Edgar Millier Govt School
48.	17.10.18	R Seeneevassen Govt School
49.	17.10.18	R Vallijee Govt School
50.	17.10.18	Grande Riviere North West Govt School
51.	18.10.18	Jules Koenig Govt School
52.	18.10.18	Andée Bazerque Govt School
53.	18.10.18	Stanley Govt School
54.	18.10.18	Remy Ollier Govt School
55.	18.10.18	Notre Dame des Victoires RCA
56.	18.10.18	St Enfant Jesus RCA
57.	18.10.18	N D Lourdes RCA
58.	18.10.18	Rose Hill Central Govt School
59.	18.10.18	R C Nuckchady Govt School
60.	18.10.18	Aimé Césaire Govt School
61.	19.10.18	H. Ramnarain Govt School
62.	19.10.18	Morc Raffray Govt School
63.	19.10.18	Notre Dame de La Paix RCA
64.	19.10.18	Signal Mountain RCA
65.	19.10.18	M I Nandoo Govt School
66.	19.10.18	Old La Tour Koenig Govt School

SN	DATE	VENUE
67.	19.10.18	New La Tour Koenig Govt School
68.	19.10.18	Pointe aux Sables Govt School
69.	19.10.18	Richelieu Govt School
70.	19.10.18	P. Desvaux de Marigny Govt School
71.	19.10.18	Albion Govt School
72.	19.10.18	Petite Riviere Govt School
73.	22.10.18	Bambous AGS ZEP
74.	22.10.18	Bambous Geoffroy Govt School
75.	22.10.18	Black River Govt School
76.	22.10.18	Case Noyale RCA
77.	22.10.18	La Gaulette Govt School
78.	22.10.18	Reunion Road Govt School
79.	22.10.18	PCK Aryan Vedic H. A. School
80.	22.10.18	Visitation RCA
81.	22.10.18	Sir Veerasamy Ringadoo Govt School
82.	22.10.18	E R Couste Govt School
83.	29.10.18	Sir Harilall Vaghjee Govt School
84.	29.10.18	Maheshwarnath Govt School
85.	29.10.18	D Seworaz Govt School
86.	29.10.18	Pointe aux Piments Govt School
87.	29.10.18	Noé Némorin Govt School
88.	29.10.18	Grand Bay Govt School

SN	DATE	VENUE
89.	29.10.18	Sir Seewoosagur Ramgoolam Govt School
90.	29.10.18	Jean Eon RCA
91.	29.10.18	D Hurry Govt School
92.	29.10.18	SK Kanhye Govt School
93.	29.10.18	T. D Lutchun Govt School
94.	29.10.18	R Moosun Govt School
95.	29.10.18	Cottage Govt School
96.	29.10.18	Espérance Trébuchet Govt School
97.	29.10.18	Poudre D'Or Village Govt School
98.	29.10.18	Marie Rene RCA
99.	29.10.18	Poudre D'Or Hamlet Govt School
100.	29.10.18	M. P Kisnah Govt School
101.	30.10.18	Bon Accueil Govt School
102.	30.10.18	Brisée Verdiere Govt School
103.	30.10.18	Bon Accueil RCA
104.	30.10.18	Sookdeo Bissoondoyal Govt School
105.	30.10.18	M Fowdar Govt School
106.	30.10.18	Camp de Masque RCA
107.	30.10.18	Osman Peerun Govt School
108.	30.10.18	S Ramudhin Govt School
109.	30.10.18	Mohunlall Mohith Govt School
110.	30.10.18	Adolphe de Plevitz Govt School

SN	DATE	VENUE
111.	30.10.18	St Pierre RCA
112.	30.10.18	Petit Verger Govt School
113.	30.10.18	Moka Govt School
114.	31.10.18	L'Amitié Govt School
115.	31.10.18	SAY Govt School
116.	31.10.18	Bheewa Madhoo Govt School
117.	31.10.18	R Goburdhun Govt School
118.	31.10.18	Barlow Govt School
119.	31.10.18	P Shibchurn Govt School
120.	31.10.18	Roches Noires Govt School
121.	31.10.18	Mapou Govt School
122.	31.10.18	The Vale Govt School
123.	31.10.18	Fond du Sac Govt School
124.	31.10.18	Prof. Ramprakash Govt School
125.	31.10.18	Plaine des Papayes Govt School
126.	31.10.18	Pandit Sharma Ayrya Govt School
127.	31.10.18	Pamplemousses Govt School
128.	31.10.18	B Khemlaliva Govt School
129.	31.10.18	Illet Govt School
130.	31.10.18	D'Epinay Govt School
131.	31.10.18	P Jugdish Sharma Radhay Govt School
132.	31.10.18	Petite Julie Govt School

SN	DATE	VENUE
133.	31.10.18	Amaury Govt School
134.	31.10.18	Notre Dame Govt School
135.	31.10.18	Mohabeer Foogooa Govt School
136.	31.10.18	Creve Coeur Govt School
137.	01.11.18	Palma Govt School
138.	01.11.18	S H Chooromoney Govt School
139.	01.11.18	Candos Govt School
140.	01.11.18	Louis Nellan Govt School
141.	01.11.18	Sookun Gaya Govt School
142.	01.11.18	Baichoo Madhoo Govt School
143.	01.11.18	Henry Buswell Govt School
144.	01.11.18	André Glover Govt School
145.	01.11.18	Barkly Govt School
146.	08.11.18	Cavendish Institute
147.	08.11.18	Shelter Oasis
148.	09.11.18	Calebasses Govt School
149.	09.11.18	Roche Terre Govt School
150.	09.11.18	Petit Raffray Govt School
151.	09.11.18	Louis Serge Coutet Govt School
152.	09.11.18	Vallée des Pretres Govt School
153.	09.11.18	New Pailles Govt School
154.	15.11.18	Rehabilitation Youth Centre Boys

SN	DATE	VENUE
155.	15.11.18	Rehabilitation Youth Centre Girls
156.	15.11.18	Correctional Youth Centre
157.	21.11.18	Henrietta Govt School
158.	21.11.18	Quinze Cantons Govt School
159.	21.11.18	Pandit Sahadeo Govt School
160.	21.11.18	N. Saddul Govt School
161.	21.11.18	Madho Govt School
162.	21.11.18	Solferino Ramsondar Govt School
163.	21.11.18	Highlands Govt School
164.	21.11.18	Shri Shamboonath Govt School
165.	21.11.18	Phoenix Govt School
166.	21.11.18	St Paul RCA
167.	21.11.18	Mesnil Govt School
168.	21.11.18	Allée Brillant SENRDC
169.	21.11.18	Jean Paul II RCA
170.	22.11.18	Bambous A. Govt School
171.	22.11.18	New Bambous Geoffroy Govt School
172.	22.11.18	Cascavelle Govt School
173.	22.11.18	St Benoit RCA
174.	22.11.18	Le Morne Govt School
175.	22.11.18	Black River Govt School
176.	22.11.18	St Jaques RCA

SN	DATE	VENUE
177.	22.11.18	Flic en Flac Govt School
178.	29.11.18	Lapeyrouse Govt School
179.	29.11.18	H. Otter Barry Govt School
180.	29.11.18	St Esprit RCA
181.	29.11.18	Notre Dame de La Confiance RCA
182.	29.11.18	Curepipe Road Govt School
183.	29.11.18	James Toolsy Govt School
184.	29.11.18	St Jean Bosco RCA
185.	29.11.18	Wooton Govt School
186.	03.12.18	St Francois D'Asside RCA
187.	03.12.18	Bel Ombre Govt School
188.	03.12.18	Notre Dame du Mont Carmel RCA
189.	03.12.18	A. Sok Appadu Govt School
190.	03.12.18	Charles Telfair
191.	03.12.18	R Sewpal Govt School
192.	03.12.18	G Cheetarum Govt School
193.	03.12.18	Robert Edward Hart Govt School
194.	03.12.18	Souillac RCA
195.	03.12.18	Permal Soobrayen Govt School
196.	04.12.18	Beau Sejour Govt School
197.	04.12.18	E Dethise RCA
198.	04.12.18	Roches Brunes Govt School

SN	DATE	VENUE
199.	04.12.18	Barkly Govt School
200.	04.12.18	Coromandel Govt School
201.	04.12.18	Vele Govinden Govt School
202.	04.12.18	Philippe Rivalland RCA
203.	05.12.18	La Flora Govt School
204.	05.12.18	Grand Bois Govt School
205.	05.12.18	M D Saraswati Govt School
206.	05.12.18	Riviere du Poste Govt School
207.	05.12.18	Britannia Govt School
208.	05.12.18	Swami Sivananda Govt School
209.	05.12.18	Riviere des Anguilles Govt School
210.	05.12.18	Camp Diable Govt School
211.	05.12.18	La Sourdine Govt School
212.	05.12.18	Sir Claude Noel Govt School
213.	06.12.18	Notre Dame du Grand Pouvoir RCA
214.	06.12.18	Bois Des Amourettes Govt School
215.	06.12.18	Saite Cecile RCA
216.	06.12.18	Rivière des Creoles Govt School
217.	06.12.18	Grand Bel Air Govt School
218.	06.12.18	Duperré Govt School
219.	11.12.18	Willoughby Govt School
220.	11.12.18	Mahebourg RCA

SN	DATE	VENUE
221.	11.12.18	Beau Vallon Govt School
222.	11.12.18	Mohabeer Burrenchobay Govt School
223.	11.12.18	St Patrice RCA
224.	11.12.18	Mon Trésor Mon Désert Govt School
225.	11.12.18	Trois Boutiques Govt School
226.	11.12.18	Marc Tabac Govt School
227.	11.12.18	Dookhee Gungah Govt School
228.	11.12.18	Notre Dame de Refuge RCA
229.	11.12.18	D. Basant Rai Govt School
230.	11.12.18	Centre de l'Eveille, Pre Primary School
231.	11.12.18	CDU Bambous
232.	11.12.18	Village Hall Bel Ombre
233.	12.12.18	CDU Flacq
234.	13.12.18	CDU Goodlands
235.	14.12.18	Riche en Eau Govt School
236.	14.12.18	St Huber Govt School
237.	14.12.18	Rose Belle South Govt School
238.	14.12.18	Seegoolam Torul Govt School
239.	14.12.18	Rose Belle North Govt School
240.	14.12.18	Cluny Govt School
241.	14.12.18	Union Park Govt School
242.	14.12.18	Nouvelle France Govt school

SN	DATE	VENUE
243.	14.12.18	Midlands Govt School
244.	14.12.18	Dubreuil Govt School
245.	14.01.19	Remy Ollier Govt School
246.	17.01.19	Shelter Oasis
247.	18.01.19	Nunkishore Saddul Govt School
248.	22.01.19	Roche Noir Govt School
249.	22.01.19	Notre Dame de Bon Secour
250.	22.01.19	Young Men Hindu Govt School
251.	22.01.19	Labourdonnais Govt School
252.	24.01.19	Philippe Rivalland Govt School
253.	24.01.19	André Bazerque Govt School
254.	25.01.19	Cavendish School
255.	25.01.19	St Nicholas School
256.	25.01.19	Reunion Govt School
257.	14.02.19	Valetta Pre-Primary School
258.	14.02.19	Jawaharlal Nehru Govt School
259.	14.02.19	Ramnarain Roy Govt School
260.	06.03.19	Remy Ollier Govt School
261.	06.03.19	Joie de Vivre Universelle
262.	07.03.19	Robinson Road Govt School
263.	07.03.19	Dunputh Lallah SSS
264.	15.03.19	Nelson College

SN	DATE	VENUE
265.	29.03.19	Curepipe College
266.	29.03.19	James Toolsy Govt School
267.	04.04.19	PK Boolell Govt School
268.	08.04.19	Ecole Visitation RCA
269.	24.04.19	RYC Boys
270.	14.05.19	Brown Sequard Hospital for case Shelter La Colombe
271.	16.05.19	Shelter La Colombe
272.	19.05.19	Surprise visit at Shelter La Colombe
273.	07.06.19	Surprise visit Oasis Shelter
274.	11.07.19	Visit Shelter Oasis

WORKSHOPS ORGANISED BY THE OCO 2018-2019

SN	DATE	THEME	VENUE
1.	11.10.18	Launching of OCO's Annual Report 2017/2018	Rajiv Gandhi Science Centre
2.	19.11.18	Universal Children's Day Celebrations and the Launching of Book Nani-Coco	Auditorium, MGI, Moka
3.	25.02.19	Teaching children's rights through story-telling	Paul Octave Wiehe Auditorium University of Mauritius
4.	26.04.19	Workshop with holistic teachers on Rights and Responsibilities of children	Paul Octave Wiehe Auditorium University of Mauritius
5.	03.05.19	Child Abuse Protocol for Rodrigues	Palms Hotel, Quatre Bornes
6.	21.05.19	Workshop on 'Protecting the Girl Child and Empowering her as a Human Rights Defender'	Palms Hotel, Quatre Bornes
7.	10.06.19	Sensitisation/Dialogue with Nursing Officers on the Rights of the Child to Health	Gold Crest Hotel, Quatre Bornes
8.	12.06.19	Workshop on 'Protecting the Girl Child and Empowering her as a Human Right Defender' with RYC (Girls)	OCO
9.	15.06.19	Sensitisation campaign on violence against children entitled "Vyolans detrir lavenir zanfana: Aret vyolans kont zanfana nou repiblik"	Victoria Bus Station, Port Louis
10.	24.07.19 - 25.07.19	A 2-day workshop on: "Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence"	Gold Crest Hotel, Quatre Bornes

SENSITISATION CAMPAIGNS ON VIOLENCE AND INDISCIPLINE IN SECONDARY SCHOOLS

SN	SECONDARY SCHOOLS	DATES
1.	Dr James Burty David SSS	Thursdays 02 and 23 May 2019
2.	Triolet SSS	Thursday 02 May 2019
3.	Beau Bassin SSS	Monday 06 May 2019
4.	Ebene SSS (Boys)	Tuesday 07 May 2019
5.	Shrimati Indira Gandhi SSS	Wednesday 08 May 2019
6.	Swami Vivekananda SSS	Wednesday 08 May 2019
7.	Dr Regis Chaperon SSS	Monday 13 May 2019
8.	Jean Marie Frank Richard SSS	Monday 13 May 2019
9.	Professor Hassan Raffa SSS	Tuesday 14 May 2019
10.	Swami Sivananda SSS	Wednesday 15 May 2019
11.	Floreal SSS	Thursday 16 May 2019
12.	Beau Bassin SSS	Wednesday 22 May 2019
13.	Triolet SSS	Thursday 23 May 2019
14.	Pamplemousses SSS	Monday 27 May 2019
15.	John Kennedy College	Tuesday 04 June 2019

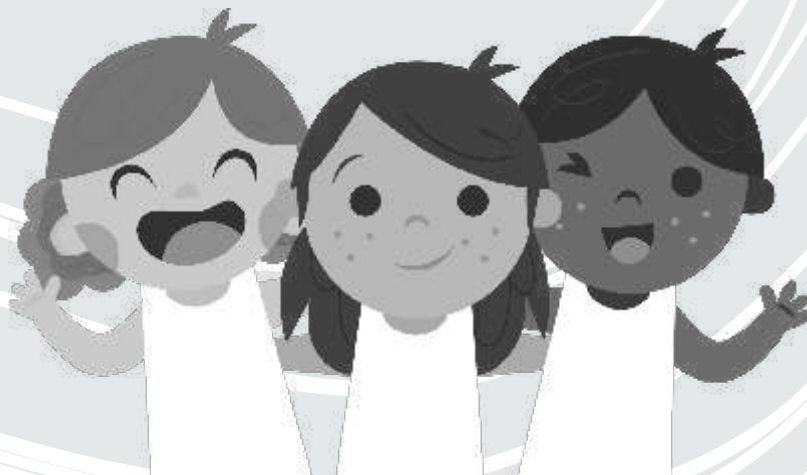
OCO's MISSIONS IN RODRIGUES 2018-2019

SN	PERIOD	OUTLINE OF THE MISSION
1.	11.02.19 - 15.02.19	<ul style="list-style-type: none">• Presentation of OCO's Annual Report 2017-2018• Courtesy visit to the Commissioner for Child Development and Others• Visit to the residential care institution (RCI)• Promoting children's rights through story telling• Intervention on MBC radio (Rodrigues)• Follow-up meetings with Managers of the Pre-Primary Education sector• Field visits
2.	06.03.19 - 07.03.19	<ul style="list-style-type: none">• Attended the "Assises de l'Education" organised by the Chief Commissioner's Office (Commission for Education)• Field visits
3.	16.04.19 - 20.04.19	<ul style="list-style-type: none">• 3-day workshop at Antoinette Prudence Human Development center on 'Enhancing the efficiency and response of stakeholders in the case management of children victim to different forms of violence in Rodrigues'• Visit to the RCI
4.	14.07.19 - 18.07.19	<ul style="list-style-type: none">• Sensitisation campaign on 'Promoting a Culture of Peace in Pre-Primary Schools'• Workshop on 'Violence at home and School'• Field visits

OVERSEAS MISSIONS 2018-2019

SN	PERIOD	THEME	ORGANISED BY	VENUE
1.	05.11.18 - 07.11.18	"Sharpening your teeth" training course	Office of the Ombudsman of Ontario/ International Ombudsman Institute (IOI)	Toronto Ontario
2.	06.11.18 - 09.11.18	Congrès de L'AOMF	Association de L'Ombudsman et Médiateurs de La Francophonie (AOMF)	Brussels, Belgium
3.	27.11.18 - 30.11.18	6th General Assembly AOMA - The role of the Ombudsman in promoting transparency and accountable governance in Africa	Association des Ombudsmans et Médiateurs Africain (AOMA)	Rwanda
4.	08.01.19 - 09.01.19	"Le travail avec les familles et l'enfant"	L'Ecole de la Protection de L'Enfance	France
5.	18.06.19 - 20.06.19	"Session de formation des collaborateurs des médiateurs membres de l'AOMF sur le thème 'Les droits des personnes en situation d'handicap et l'accessibilité des services publics'"	L'AOMF	Rabat, Morocco

CHAPTER 4:
PRESS ARTICLES WRITTEN
BY THE OMBUDSPERSON
FOR CHILDREN



A COMPILATION OF PRESS ARTICLES WRITTEN BY THE OMBUDSPERSON FOR CHILDREN IN 2017-2018

- **Inspired by Mahatma Gandhi Institute's young artists**

Date of Publication : 19 November 2017

Name of Newspaper/Magazine : Le Mauricien

Title of the article : Young Children Artists of Mahatma Gandhi Institute (MGI)

Language of the article : English

Text of the article:

Human beings use numerous forms of communication that complement words and language. Be it “visual” or “performing”, Arts are one such form that encourages the translation and sharing of one’s thoughts and feelings. I witnessed their expression in the form of Music and Dance at the Annual Children’s Show held on Saturday, 18 November 2017 by the Mahatma Gandhi Institute’s School of Performing Arts. The incredible talent on display from children aged between 7 and 14 years was breath-taking and incited the thought that we ought to share the joy experienced from Music and Dance.

I found solace watching the synchronized movement of those children, dancing to the tune of Music that evoked love, peace and harmony. In fact, those elements came to light even more when contrasted with the plight of children suffering from abuse and poverty. I believe that it is our duty to bring balance through positive efforts. For instance, the excellence of teamwork behind the exhibited choreography and the accompanying musical performance was tangible. It brought to the fore those who work tirelessly in the background – good and dedicated teachers. Details such as the children’s impeccable attire to the whole show’s organisation highlighted the discipline that must have gone from the teacher to the student, and to everyone around them. I was filled with joy to see the work of good educators come to fruition. Mauritians should be invited to witness shows like the ones held at MGI, safe in the knowledge that some, if not all, of our children have access to quality training in Music and Dance.

It is precisely the above notion that I would like to convey as a message and as a wish. The quality of performance demonstrated by the children at MGI should be shared with as many children as possible across the country. Music and Dance are not simply “extra-curricular” activities as many of us have been made to think, but tools that enhance intellectual development, as well as

outlets that encourage healthy emotional and physical growth. According to Article 31 of the Convention on the Rights of the Child, “Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.” Beyond this right, children should have access to musical and dance training not as a privilege, but as an essential part of their education. As such, I believe that MGI’s School of Performing Arts can lead the way in training identified teachers from schools and other educational institutions throughout Mauritius in the view to sharing Music and Dance as forms of Art to children.

As part of my life-long battle to uphold children’s Rights and well-being, giving our children access to quality and holistic education is of utmost importance. “Music enhances,” as highlighted in Dr V. D. Koonjal’s message about the show, “the education of our children by helping them to make connections and broaden the depth with which they think and feel.” We can agree that most of the economic development that we want to bring about in our country is largely for the benefit of our children. In the words of Nelson Mandela, “There can be no keener revelation of a society’s soul than the way in which it treats its children.” Indeed, let us take care of our children and give them tools that will help them grow. The teachers at MGI did just that with their students through Music and Dance. The ray of hope that glimmered on Saturday needs to shine longer and brighter. Children, as the very core of our families and extended community, need to have access to holistic education that encourages them to learn, all the while extending their cognitive abilities beyond intellect into the realm of spatial, musical and artistic exploration.

- **Food for thought and action following the passage of Cyclone ‘Berguita’**

Date of Publication	: 24 January 2018
Name of Newspaper/ Magazine	: Le Mauricien
Title of the article	: Cyclone ‘Berguita’: A powerful reminder of special protection for our children
Language of the article	: English

Text of the article:

Destructive winds, heavy rainfall, flooding and landslides. A scenery witnessed by all Mauritians and inflicted upon many of our fellow citizens over the passage of ‘Berguita’. Imagine us as adults being so nervous and scared when natural calamities befall. How about children? There is

no doubt that such events would affect their tender beings in different ways. Children count on us to protect them physically and psychologically. Unfortunately, sometimes families are unable to do so, mainly because of lack of resources. It is in such circumstances that governmental and civil society organisations must take over to ensure that the most vulnerable group of citizens in our society are well taken care of.

I believe 'Berguitta' has given us a WAKE-UP CALL concerning our duty to provide special protection to children, especially during severe cyclonic conditions. Of course, it is firstly the responsibility of the State to ensure that the lives of children are not put at risk. Around most countries of the world, it is the government who has the authority to act in any emergency situation. However, it must be highlighted that governments ALONE cannot ensure the absolute protection of children's rights. Individual citizens and civil society organisations also have a crucial role to play.

Last week when difficult cyclonic conditions prevailed in Mauritius, many children would have been left without basic necessities and emotional support were it not for the solidarity of a critical mass of Mauritian citizens. Worse, these children could have grown up with the belief that they cannot rely upon good and caring adults in our country. In this context, I would like to applaud the initiative of Mrs Roubina Jadoo-Jaunbocus, Minister of Gender Equality, Child Development and Family Welfare, and other Ministers who spared no efforts to provide basic necessities to children and families in different refugee centres across the island. Mrs Jadoo-Jaunbocus was on the field to quickly assess the situation, visually note the infrastructural damage and act promptly despite the compromising weather conditions. Her interventions definitely made a difference in the lives of child refugees during the passage of 'Berguitta'.

But next time, we as a nation need to reflect on how all stakeholders could get together to better plan our resources and responses to natural calamities and therefore be more prepared when they strike. How can we enhance our current disaster management systems to mitigate risks for future torrential rain and cyclonic events for children? 'Berguitta' showed us that our refugee centres were clearly not adapted and equipped to accommodate parents and their children. Over a period of two days, there was an influx of material and moral help for the refugees from different parts of the society. Although it was needed in this instance, we have to be mindful that there are potential dangers of inequity and chaos when aids and rescue tasks are unstructured.

Some families or refugee centres may receive too much help, while others hardly at all. Children are the first to suffer. In any crisis situation, if there is nobody to organise the volunteers and channel their input, it may be like having water everywhere, but not a drop to drink.

Therefore, good planning can inevitably increase the efficiency and quality of support given. In crises, leadership is also vital in coordinating operations among different parties including government officers, civil society members and disaster victims. In addition, well-intentioned staff with adequate skills are sine qua non for the good management of support services to child refugees. Staff should be trained to understand that children are not 'small adults'. They are still developing and are more vulnerable than adults. It is commonly advanced in international research that, during and after disaster events, the emotional responses of children can vary from mild stress reactions to mental health conditions such as anxiety and post-traumatic stress disorder. Possible signs of trauma among children who have been in refugee centres during 'Berguitta' should not be ignored. I recommend the authorities concerned to conduct assessments of the mental state of all these children and arrange for appropriate psychological support and follow-up where needed.

As the Ombudsperson for Children, it was my duty to listen to children affected by 'Berguitta'. It is always important to talk with children about how they feel. Through these conversations, we can pick up essential feedback on what they would have wanted to be different for them. Post-'Berguitta', staff members of my office interviewed some children on their experiences. The following are examples of some of their statements in Mauritian Creole:

"Kan dilo inn kumans vinn kot nu, monn gayn tro buku laper. Mo kumans kriye. Papa dir nu tu 'Sove aster, kit lakaz sinon nu pu mor nwaye'". (11-year-old boy)

"Mo pann gayn letan pran mo ti telefonn tantinn Mary ti donn mwa pu Noel [li plore]. Dan sant, mo pa gayn dormi. Mo sagrin mo telefonn, mo zoli rob lane. Tu finn gayn labu." (13-year-old girl)

"Mo sagrin mo mama. So latet fatigue. Tulezur li alim labuzi pu dir Bondye pa avoy enn lot Berguitta." (10-year-old boy)

"Mo papa ti ramasse 200 roupies dan bol. Kas la inn alle dans débordement [pleurs]." (7-year old girl)

“Dan Sant, bann-la lager. Mo anvi al twalet. Pa kapav al twalet. Tro buku dimunn. Mama amenn mwa deor dan gro divan. Zot dir mo malelve. Mo bizin tini.” (8-year-old girl)

“Ti pe gayn fin. Nu gayn bon manze. Monn byin manze. Mo truv Minis. Li finn koz buku ar mo mama. Mama dir ti bon nu gayn enn vre lakaz”. (14-year-old girl)

Last but not the least, ‘Berguitta’ has highlighted to us that the right to housing has particular significance for children. Our State has to put in place special provisions to ensure children’s rights to life, survival and development within a safe and sustainable physical environment. The Government has to provide decent accommodation to all families with children who cannot afford to do so. These houses should be built in ways that can withstand destructive climatic conditions. Without this basic need, children are unlikely to realise their right to grow and develop in an atmosphere of moral and material security.

‘Berguitta’ has indeed reminded us of our fundamental duty to protect children. The time for reflection has come, true reflection that will lead to action. A lack of reflection can have a strong negative effect on the way a country is managed. Reflection without genuine actions can also jeopardise the future of the children of our Republic. I am deeply convinced that we as a nation will not let this happen because WE CARE FOR OUR CHILDREN.

• **In the context of the 50th anniversary of Independence of the Republic of Mauritius**

Date of Publication : 21 February 2018

Name of Newspaper/ Magazine : Le Mauricien

Title of the article : La fête de l’indépendance racontée aux enfants d’hier et d’aujourd’hui

Language of the article : French

Text of the article:

J’ai cinq ans quand l’île Maurice obtient son indépendance de l’Angleterre. Ma mère nous explique à ma sœur et moi que nous avons beaucoup de chance puisque désormais nous sommes des mauriciennes à part entière. Je constate qu’elle est remplie de joie. Mon père également est très heureux et il nous promet de nous emmener le 12 mars participer aux célébrations de la fête nationale à l’hippodrome du Champ de Mars à Port-Louis, la capitale. On a même droit à des vêtements neufs ! Ma mère le taquine et elle lui rappelle qu’il ne lui a pas

acheté un nouveau sari, ce à quoi mon père rétorque : « Moi non plus je n'ai reçu de chemise neuve. Tu le sais bien, Ouma, dans notre famille, on se sacrifie pour les enfants. »

Arrivés au Champs de Mars, notre père nous demande d'accélérer le pas – il est pressé ! Il adresse la parole à ma mère et lui donne plein d'indications sans s'arrêter : il faut acheter des gâteaux ; il ne faut pas rater le défilé des chars ; il faut porter les enfants sur les épaules pour qu'elles puissent voir être hissé le nouveau drapeau quadricolore de l'île Maurice ; il faut essayer de rencontrer le père de la nation, Sir Seewoosagur Ramgoolam ; il faut distribuer des bonbons à tous les enfants qu'on rencontre. Ma mère rit. Elle connaît bien mon père, un homme amoureux de sa terre natale. Elle lui demande de garder le calme, le rassurant qu'elle est aussi résolue que lui à bien fêter l'indépendance de l'île Maurice. Nous passons une journée mémorable en famille.

En 1968, je ne comprends pas le sens de l'indépendance, mais au fil des années, mes parents et mes enseignants m'éduquent et me font bien comprendre que l'indépendance est un grand événement pour le pays. D'ailleurs, à l'école primaire de Quinze Cantons, où je suis élève, la fête de l'indépendance est célébrée avec faste chaque année. Des spectacles grandioses y sont organisés. Avec nos enseignants, nous décorons nos classes avec du papier mousseline et nos dessins. Nous fabriquons nous-mêmes nos drapeaux. C'est avec beaucoup d'enthousiasme que nous préparons les chants, sketches, danses et poésie pour le grand spectacle de l'indépendance. En me remémorant de ces souvenirs-là, je me sens nostalgique et j'ai envie d'être, ne serait-ce que pour la journée de la fête nationale, une élève de l'école de Quinze Cantons. J'aime aller à l'école pour préparer pendant des semaines à l'avance la fête de l'indépendance. J'aime Mme Ivy Rochecoute, la directrice de l'école, qui sait comment aimer les enfants. Elle a bon cœur. J'aime tous les enseignants : Monsieur Dhondee, Monsieur Johnson, Miss Dhondee, Miss Ramtohul, Miss Jugnauth. Qu'ils sont toutes et tous extraordinaires ! Ils travaillent ensemble pour égayé tous les enfants de l'école. C'est grâce à eux que je suis devenue l'être que je suis aujourd'hui. À mon tour d'aimer, d'égayé et de protéger les enfants mauriciens.

Il est important d'apprendre à nos enfants l'amour de la patrie. Cet amour pour son pays natal consolide l'identité citoyenne de l'enfant et le permet de participer activement au développement harmonieux de la société dans lequel il évolue dès son jeune âge.

Aujourd'hui, pour les 50 ans de l'indépendance de la République de Maurice, je souhaite que les vœux de feu Coll Venkatasawmy soient réalisés :

À notre avis, le 12 mars aurait dû être un jour de vraies réjouissances populaires : carnivals, bals populaires, déjeuner et dîner en famille et entre amis, soirées dansantes, animations de rue, 'fet kiltirel', animation sur les plages, etc. En quelque sorte, l'ambiance des Jeux des Îles chaque année renouvelée. (Week-End, 15 mars 1987)

Date of Publication : March 2018

Name of Newspaper/ Magazine : Essential Magazine

Language of the article : French

Text of the article:

Les 50 ans de notre indépendance me font penser à mon père qui nous avait portées ma sœur et moi à tour de rôle sur ses épaules afin qu'on puisse admirer le défilé des magnifiques chars au Champs de Mars en 1968. Nous étions émerveillées et notre cher père n'arrêtait pas de dire à tous ceux qu'il rencontrait : « maintenant nous sommes une nation libre ! » Tout cela rendait mes parents si heureux qu'ils distribuèrent des bonbons à tous les enfants autour d'eux !

Aujourd'hui je me rends compte que le 12 mars 1968 a fait de moi une patriote. Depuis ma tendre jeunesse je ressens un amour profond pour mon pays et ses citoyens, surtout les enfants. Cette année, je vais célébrer les 50 ans d'indépendance de la République de Maurice avec faste, tout comme je célèbre Divali, Eid et Noël.

Je rêve d'une République où nos enfants qui, au lieu d'être à longueur de journée sur des tablettes électroniques ou l'ordinateur, jouent en plein air à la marelle et à cache-cache. Qu'ils participent aux chasses aux trésors, nagent dans nos lagons, chantent et dansent sans se lasser pour être des personnes épanouies— il faut encourager nos chers petits à profiter du soleil qui brille...ce soleil qui est indispensable à leur croissance. Les jeux extérieurs stimulant le cerveau de l'enfant réduisent les risques d'obésité et évacuent le stress.

Je rêve aussi d'une république où nos enfants se sentent en sécurité, où aucun enfant n'est

violenté. La nation que nous sommes se doit de dire « non » aux différentes formes d'abus (physique, sexuel, verbal et émotionnel).

Finalement, je dirai que pour permettre le plein épanouissement de l'enfant mauricien, il est impératif que l'état mauricien investisse massivement dans la construction des logements sociaux adéquats (maisons hygiéniques, espaces verts et jardins d'enfants, entre autres). Tous les Enfants mauriciens, agaléens et rodriguais ont le droit de vivre dans des habitations décentes, un logement qui leur assure un bon développement.

- **A child-friendly financial idea worth considering**

Date of Publication : March 2018

Name of Newspaper/ Magazine : Business Year Book 2018

Title of the article : The importance of investing in children: Advocating for the implementation of child rights friendly budgeting in the Republic of Mauritius

Language of the article : English

Text of the article:

For any democratic government, the national budget is often reflective of its vision, priorities and performances. Children as a community are rightfully entitled to an equitable share of this budget. It comes to no surprise that investing in children and families can have several long-term and beneficial outcomes on a country's poverty levels, juvenile delinquency and criminality rates, educational attainment, employment levels and overall socio-economic development. This is also in line with achieving the 2030 Sustainable Development Goals on poverty reduction, quality education and health, sustainable economic growth, and reduced inequalities (United Nations, n.d.)¹².

Governments worldwide have the important duty of enshrining children's rights in their domestic laws. They are responsible for turning these rights into reality through the financing

¹²United Nations (n.d.). *Sustainable Development Goals*. New York: Author. Retrieved on 22 February 2018 from sustainabledevelopment.un.org/sdgs

of concrete and evidence-based actions that can make a true difference to children's lives. As clearly stated in the Convention on the Rights of the Child (CRC; United Nations, 1989)¹³, which was ratified by the Republic of Mauritius in July 1990:

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 4)

Our country will soon celebrate its 50th Anniversary of Independence, a proud moment that will resonate in the hearts of all our valued citizens living locally or abroad. While our four-coloured flag is raised high in the sky, thousands of children will be singing the national anthem in our schools – a song of achievement for our country's ongoing progress, a song of faith in the responsible adults who protect them, and a song of hope for a better tomorrow with the opportunities they deserve.

On the occasion of this Golden Jubilee, it will be important for the Government to ensure that the national budget is developed in a responsive way to children's needs and rights. Although the financial amount allocated is a necessary determinant to the success of child-focused initiatives, we should primarily accentuate good governance, the quality and management of resources and the outcoming process. If we take good care of our children and conscientiously invest in them now, they can in turn take good care of their country as healthy and productive citizens. In this context, if the Government adopts a child rights friendly budgeting approach, this could act as a safeguard against poorly designed, under-funded and ineffective children's programmes.

According to the United Nations Children's Fund (UNICEF; 2009)¹⁴, a child rights friendly budget "is not a separate budget for children, instead it is one that includes programmes aimed at realising child rights within each departmental budget". This budgeting approach may include components such as:

¹³United Nations (1989). *Convention on the Rights of the Child*. Geneva: Author.

¹⁴United Nations Children's Fund (2009). *Reforming child law in South Africa: Budgeting and implementation planning*. Italy: Innocenti Research Centre.

1. The State's commitment to address children's issues like child protection, poverty and malnutrition among others.
2. Putting children and other socially vulnerable groups first in the public expenditure system.
3. Conducting regular budget analyses, consultations, re-formulations, evaluations and open dialogues among both State and non-State actors on child-related policies and programmes.
4. Enabling regular consultations with children, including those from vulnerable backgrounds and with special needs, and creating platforms for them to have a say on what works for them.

Countries such as South Africa, India and China among others have developed budget analyses mechanisms that can monitor the allocation of resources to child-focused initiatives in different sectors (e.g. education, health and child protection) that are crucial to the fulfilment of children's rights. For instance, South Africa has since 1995 set up a Children's Budget Unit in their Institute of Democracy that tracks child-related budget allocation, highlights challenges in the delivery of children's services and analyses child-specific legal frameworks (Save the Children, 2010)¹⁵.

As a way forward for our country, it is advisable for all Ministries to consider the development of child rights friendly budget mechanisms that can involve all stakeholders including children themselves in defining relevant financial priorities. The domestication of the CRC and its three Optional Protocols (i.e. Involvement of Children in Armed Conflict, Sale of Children, Child Prostitution and Child Pornography, and Communications Procedure), can undoubtedly help inform budgetary decisions in a more potent manner.

- **Advocacy article following the case where children were used as drug mules**

Date of Publication	: 21 May 2018
Name of Newspaper/ Magazine	: Le Mauricien
Title of the article	: Zero tolerance for exploiting children as drug mules in the Republic of Mauritius
Language of the article	: English

¹⁵Save the Children (2010). *Budget for Children Analysis: A beginner's guide*. Nepal: Centre for Child Rights.

Text of the article:

On Saturday 10 May 2019, I was informed that drugs were concealed in the luggage of two young children travelling from Paris. I was not only shocked by this news, but also very angry. Clearly adults had used these children to smuggle drugs, thinking that the latter would easily go unnoticed through customs in Mauritius. It is a fact that, around the world, young children are given special treatment at airports, especially when they are travelling as unaccompanied minors. They are undoubtedly Very Very Important Persons (VVIPs)! Nevertheless, what these adults were unaware of is that, even if children are VVIPs, their luggage can be inspected by customs officers. Indeed, this is what happened with the two young children at the SSR International Airport in Mauritius.

Both the Customs Department and the Anti-Drug and Smuggling Unit (ADSU) must be praised for their good job for different reasons. Firstly, drugs worth approximately 3.4 million rupees were found. Without their intervention, these drugs would have been circulating in our country to the detriment of the health and well-being of both children and adults. Secondly, the ADSU staff treated the two children with dignity and they did not stigmatise them during the performance of their duties. I was apprised that, at no point in time, the children were treated as criminals. It was reassuring to hear that they were not arrested.

The ADSU and the Child Development Unit (CDU) worked hand in hand to protect the rights of these children. I can imagine how traumatic it can be for any child to come back from holidays abroad and learn that his/her parent has been arrested by the Police, and that he/she cannot go back home but to a residential care centre. The CDU Officers must have had a challenging time handling the children's and their family's mental states in this delicate situation.

Today I am very much concerned by the fact that Mauritian children are being targeted by unscrupulous adults who groom them to become drug mules. The current case may have been unprecedented in the Mauritian context, but a considerable number of children are known to have been caught acting as drug mules in several countries of the world. This is clearly a form of child exploitation which merits as much attention as child sexual abuse. When children act as mules, the adult drug dealers are removed from the frontline activity which makes them hard to be traced. A former gang leader in the United Kingdom who was put into jail several times for serious drug-related convictions affirmed in the following words that it is very easy to groom

children as drug mules: “The promise of quick cash, the lure of gangster life and a lack of alternatives leave many children prey to criminals who traffic them to transport drugs around the country” (Thomas Reuters Foundation, 2018)¹⁶.

What happened last Saturday at the SSR International Airport is definitely a wake-up call for all responsible citizens of our Republic. Our country must be prepared to rescue children from being used as drug mules. These children are very vulnerable and their rights must be protected. Police officers must be empowered to investigate efficiently on such cases so that they can reach the actual culprits and stop them from exploiting more children.

Furthermore, I would like to acknowledge that the media plays an important role on shedding light upon drug trafficking issues in the country. Nevertheless, as promoted by article 16 of the Convention on the Rights of the Child (CRC; United Nations [UN], 1989)¹⁷, it is of prime importance that the media upholds in their publications the right to privacy of children who may have been knowingly or unknowingly involved in such cases. The UN Committee on the Rights of the Child (2006, paragraph 35) had highlighted with concern that “the privacy of children who have been victims of abuse or in conflict with the law is not always respected by the press, as certain newspapers continue to report cases in a manner that makes it easy to identify the child, publish their photograph and names or make the child relate the details of the abuse. The Committee also notes that there is no legislation to ensure children’s privacy by the media.”

In the present case, some local newspapers have published personal details related to the mother of the children including her name, age and picture, as well as the age and sex of the children. These details can be sufficient to know the children’s identities, which can put them and their family at high risk of bullying, stigmatisation and other forms of discrimination in society. It is really important that the media is sensitised on the matter and that the necessary law reforms are implemented to protect the privacy of children at all times.

Finally, I think that the current case has reminded us of the fact that our Republic has not yet legally determined a minimum age of criminal responsibility (MACR). The current basis for assessing whether a child has to be prosecuted or not is through a test of discernment as

¹⁶Thomas Reuters Foundation (2018). *'Too easy' to groom children as drug mules, says UK ex-gangster*. Retrieved on 13 May 2019 from www.nst.com.my/world/2018/10/421903/too-easy-groom-children-drug-mules-says-uk-ex-gangster

¹⁷United Nations (1989). *Convention on the Rights of the Child*. Geneva: Author.

prescribed by sections 44 and 45 of the Criminal Code 1838. The UN Committee on the Rights of the Child (2006¹⁸, 2015¹⁹) had emphasised in its latest two country reports to Mauritius that an internationally acceptable MACR should be established by our local legislation, juvenile justice tribunals with specialised judges should be introduced, and more alternative socio-educational measures for the rehabilitation of young offenders should be prioritised over deprivation of liberty. My office promotes the idea that the MACR should be set as late as possible and I am optimistic that important legislative reviews are on the way to ensure the protection of all the fundamental rights of the children of our Republic.

- **In the context of the Universal Children's Day**

Date of Publication : 15 October 2018

Name of Newspaper/ Magazine : Essentielle Magazine

Language of the article : French

Text of the article:

Chers enfants de la République de Maurice,

Cette lettre vous est adressée dans le cadre de la Journée Internationale des Droits de l'Enfant. Je tiens à vous rappeler que chaque année le monde entier célèbre cette journée le 20 novembre. Vous êtes très importants, des citoyens à part entière et protégés par différents droits ; entre autres, le droit à une identité, à une famille, à l'éducation, à la santé, aux loisirs et à la participation aux décisions qui vous concernent.

Que vous soyez nés à Rodrigues, à Agaléga, à Maurice ou nés de parents chagossiens, ayant moins de 18 ans, vous avez TOUS les mêmes droits au sein de notre belle République. Vous devez être conscients de ces droits et faire des efforts pour mieux les connaître, tels qu'ils sont définis par la Convention relative aux Droits de l'Enfant adoptée par l'Assemblée Générale des Nations Unies le 20 novembre 1989.

¹⁸Committee on the Rights of the Child (2006). *Concluding observations: Mauritius*. Geneva: United Nations.

¹⁹Committee on the Rights of the Child (2015). *Concluding observations on the combined third to fifth periodic reports of Mauritius*. Geneva: United Nations.

Cependant, je tiens à préciser, chers enfants, qu'être protégés par vos droits ne veut en aucun cas dire que vous avez la liberté d'agir comme bon vous semble au détriment de votre santé et de votre stabilité. En tant que votre défenseure, j'ai le devoir de vous rappeler que la drogue synthétique nuit à votre développement, une grossesse freine votre cheminement scolaire, être père avant vos 18 ans n'est guère conseillé, et agresser verbalement ou physiquement vos amis ou vos enseignants n'est pas autorisé par les lois de votre pays. Je vous encourage à mener des réflexions en groupe sur tous les problèmes qui vous affectent et qui vous concernent. L'article 12 de la Convention relative aux Droits de l'Enfants stipule que :

1. Les États parties garantissent à l'enfant qui est capable de discernement le droit d'exprimer librement son opinion sur toute question l'intéressant, les opinions de l'enfant étant dûment prises en considération eu égard à son âge et à son degré de maturité.

2. À cette fin, on donnera notamment à l'enfant la possibilité d'être entendu dans toute procédure judiciaire ou administrative l'intéressant, soit directement, soit par l'intermédiaire d'un représentant ou d'une organisation appropriée, de façon compatible avec les règles de procédure de la législation nationale.

Finalement, j'attire votre attention que cette année le bureau de l'Ombudsperson pour les Enfants a décidé de lancer un conte pour enfants intitulé "L'amour de Nani Coco pour son pays". Nani Coco est une grand-mère amoureuse de son pays qui invite tous les enfants de la République à préserver l'environnement. Elle veut vous faire prendre conscience que :

- Jeter des déchets dans la nature détériore notre milieu de vie et affecte la santé de notre population, qui souffre tout aussi de l'air pollué.
- Les déchets polluent l'eau. Par exemple, quand les déchets industriels sont rejetés dans les rivières et la mer, l'eau devient nocive.
- Les matières plastiques peuvent tuer les oiseaux de mer, les mammifères marins et les poissons.
- Si notre pays n'est pas nettoyé, les touristes ne choisiront plus de visiter l'île Maurice et notre économie en souffrira.

Ce conte sera disponible sur le site web du bureau de l'Ombudsperson pour les Enfants à partir du 21 novembre 2018. Après avoir lu ce conte, n'hésitez pas à me faire part de vos commentaires.

Bonne fête, chers enfants!

- **Article following the murder of an 11-year-old boy who was protecting his sister**

Date of Publication : 29 October 2018

Name of Newspaper/ Magazine : Le Mauricien

Title of the article : Hier Edouarda, aujourd'hui Ritesh, et demain ?

Language of the article : French

Text of the article:

Le 15 avril 2015, l'île Maurice entière fût choquée en apprenant l'assassinat et l'agression sexuelle d'Eleana Edouarda Gentil, une fillette de onze ans, issue de Résidence Anoska à 16e Mille. Nous réclamions tous que « justice soit faite » au milieu des cris de douleur atroce de la mère, Mirella. Ce cauchemar resterait à jamais gravé dans la mémoire d'une maman meurtrie par la perte de sa chère enfant. De nombreuses voix condamnaient cet acte barbare et abject, culminant en une marche pacifique qui mobilisa une foule importante. La presse mauricienne traita du sujet de fond en comble et tenta d'analyser les causes du nombre élevé d'enfants violentés ou victimes de crimes atroces dans l'île. Trois ans plus tard, nous pleurons le décès de Ritesh, onze ans aussi, tué des mains de son voisin. Attendions-nous un autre meurtre pour revigorer nos précédentes ardeurs de changement profond, voire de révolte ?

Il semble que Ritesh tentait de protéger sa jeune sœur. L'agresseur présumé, armé d'un cutter, lui trancha la gorge.

Choquant. Révoltant.

Au moment où la nouvelle se répand, une jeune fille m'interpelle au téléphone. D'une voix affolée, « avez-vous entendu la nouvelle, Mme Rita ? Ils ont tué un garçon de onze ans, comme ils avaient tué Edouarda. Faites quelque chose. Qu'allez-vous faire ? Je suis très triste. J'ai peur. Je ressens beaucoup de colère. Il y a beaucoup de 'move misye' à Maurice. Dites à la police de tous les enfermer en prison. Mme Rita, j'ai peur. Qu'allez-vous faire ? Qu'allez-vous faire ? »

Cet enfant de quatorze ans, J, demeure à Résidence Anoska. Elle est non seulement toujours accablée par la perte de son amie d'enfance, Edouarda, mais vit toujours dans la peur d'être enlevée et d'être abusée par un « méchant homme ». Au bout de plusieurs appels, elle me

confie, « Mme Rita, qu’allez-vous faire pour arrêter les ‘move misye’ qui nous attaquent ? Mon amie est morte... » J’avais eu beaucoup de mal à la rassurer et à l’encourager à reprendre le chemin de l’école à l’époque de la disparition d’Edouarda, trois ans auparavant. Aujourd’hui, je me retrouve encore en train d’essayer de la calmer. Je prends le temps de l’écouter car je suis pleinement consciente qu’une communication sincère avec cette enfant me permettra de mieux comprendre sa réalité. Je partage sa détresse et, malgré mon impuissance, je parviens à la consoler.

Tous les enfants de notre pays ont le droit de grandir paisiblement dans un environnement sécurisant et chaleureux. Le bureau de l’Ombudsperson pour les Enfants discute quotidiennement des cas tels que ceux d’Edouarda, de Ritesh, et de J. Notre rôle est défini par l’Ombudsperson for Children Act (2003) et nous respectons le cadre légal dans lequel nous devons opérer. Nous soutenons que la réflexion doit toujours précéder l’action. Même quand il y a urgence, nous croyons qu’agir hâtivement et sans réflexion ne sied pas à la cause de la protection des droits des enfants. « Pour progresser, il ne suffit pas de vouloir agir, il faut d’abord savoir dans quel sens agir, » comme nous le dit Gustave Le Bon.

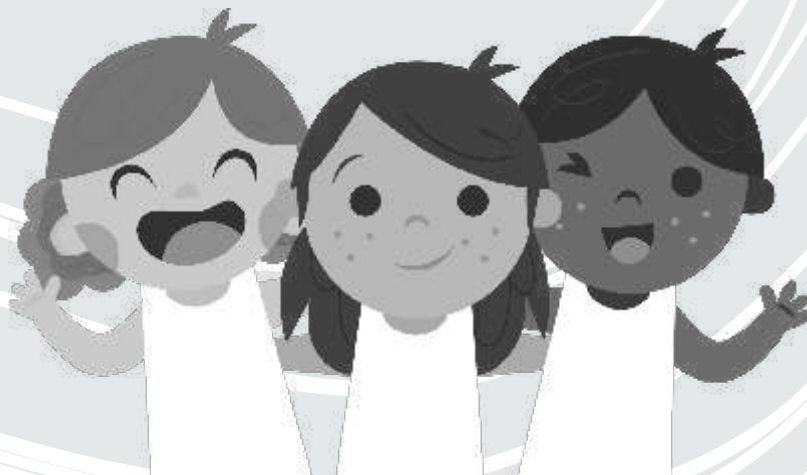
Nous affirmons que ce qui est arrivé est grave, mais il n’est pas suffisant de désigner l’horreur. Nous ne pouvons pas nous arrêter à décrier le mal et oublier nos efforts d’ici un, deux ou trois ans. Nous ne pouvons plus accepter qu’une Edouarda soit suivie d’un Ritesh. Si rien n’est fait pour qu’il y ait une refonte réelle de notre structure sociale, demain nous risquerons d’être encore plus choqué par la possibilité que d’autres enfants soient violentés.

Nous continuerons au bureau de l’Ombudsperson pour les Enfants, à conscientiser l’État et la population Mauricienne sur l’importance de protéger et de promouvoir les droits de l’enfant au quotidien, à dénoncer haut et fort les violations des droits de l’enfant et à avancer des recommandations pour améliorer les conditions de vie des enfants en tenant compte de la Convention relative aux Droits de l’Enfant.

Si nous voulons bâtir une République non-violente, il est primordial de dispenser une éducation qui met en pratique une culture de paix où les enfants apprennent, dès leur jeune âge, à agir en

citoyens de paix. Qu'est-ce qu'un adulte sinon l'héritier d'une enfance ? Tous les adultes qui commettent des crimes atroces contre les enfants doivent être sévèrement punis, indéniablement. Cependant il est urgent, voire essentiel, de promouvoir une culture de paix chez soi, d'abord, et chez nos enfants afin que demain, en tant qu'adultes, ils ne répètent pas ce qu'ils auront intériorisé dans leur enfance – la violence.

CHAPTER 5:
REFLECTING DEEPLY AND
ACTING CONCRETELY TO
PROTECT CHILDREN OF
THE REPUBLIC OF MAURITIUS
FROM ALL FORMS
OF VIOLENCE



5.1 Background

In the world today, a significant number of children are at risk of or are facing different types of violence including physical, sexual and emotional violence, gross neglect, sexual and other forms of exploitation, abduction and armed conflict among others. These violent acts are perpetrated upon children mostly by adults, but a rising number of children are also becoming perpetrators. As outlined by the *World Report on Violence Against Children* produced by the Independent Expert for the United Nations, Paulo Sérgio Pinheiro (2006), violence against children occurs in several settings such as in the home and family, school, institutions (care and justice) and the community.

Despite being a country that is free from warfare and armed conflict, the Republic of Mauritius is also experiencing an upward trend on violence against and by children. Having ratified the United Nations Convention on the Rights of the Child (UNCRC), our country has an obligation as per article 19(1) of this international law to “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”.

In the reporting year 2018-2019, in addition to investigating on violence-related complaints, the Ombudsperson for Children’s Office (OCO) organised a series of activities on sensitising the public on the impact of violence on children, families and their communities, and on mobilising stakeholders to reflect upon and propose concrete actions that can prevent and protect children from all forms of violence and promote a culture of peace. Some examples of these initiatives were:

1. The launching of a creative story-writing competition on 16 April 2019 for pre-primary schools of the Republic of Mauritius on the theme of ‘promoting a culture of peace among young children’;
2. A workshop on *“Enhancing the efficiency and response of stakeholders in the case management of children victim to different forms of violence in Rodrigues”* on 17-19 April 2019 in Rodrigues with frontline practitioners involved in child protection;

3. A validation workshop on 03 May 2019 held in Mauritius to finalise a *Child Abuse Protocol for Rodrigues* with multiple Mauritian and Rodriguan stakeholders working in the field of child protection and welfare;
4. Press conferences to disseminate the findings of systemic investigations carried out on two RCIs in Mauritius that were alleged to have perpetrated violence against children on 27 February 2019 and 25 June 2019 respectively;
5. Sensitisation campaigns on the themes of violence and indiscipline at school from May 2019 to June 2019 in 16 secondary schools across Mauritius;
6. Launching of a bus poster national sensitisation campaign entitled “*Violans detrir lavenir zanfana: Aret violans kont zanfana nou repiblik*” on 15 June 2019;
7. Sensitisation visits to pre-primary schools in Rodrigues to promote a culture of peace among young children on 15 July 2019;
8. A workshop on “*Violence at home and at school*” with a variety of child protection and educational workers involved with children in Rodrigues on 16-17 July 2019;
9. A two-day workshop entitled “*Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence*” with multiple stakeholders of the Republic of Mauritius on 24 and 25 July 2019; and
10. Ongoing sensitisation campaigns entitled “*Say No to Parental alienation: Children Deserve the Love of Both their Parents*” from April 2019 to December 2019 in Citizen Advice Bureaus of Mauritius and Rodrigues.

Further information and illustrations on these activities have been provided in chapter 3. The present chapter focusses on one of the above-listed initiatives, that is, the two-day workshop entitled “*Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence*”, held on 24 and 25 July 2019 in Gold Crest Hotel, Quatre Bornes, Mauritius.

5.2 The workshop

The aims of this two-day workshop were

1. to take stock of the current situation of violence against and by children in the Republic of Mauritius;
2. to critically discuss existing local interventions that protect children from all forms of violence in different settings; and
3. to formulate recommendations on how to improve these interventions or introduce new ones.

Sixty-five participants from 21 different agencies had attended this workshop (see Appendix B). They consisted of representatives of statutory and non-statutory bodies from Mauritius, Rodrigues and Agalega, and a representative of the Chagos Refugees Group, all working with children in different settings. Inspired by the *World Report on Violence Against Children* (Pinheiro, 2006), participants were categorised into four workgroups depending on the setting that is most relevant to their field of intervention, namely

1. the home and family;
2. the school or other educational settings;
3. care and justice institutions; and
4. the community.

Each workgroup was instructed to brainstorm and discuss on four key questions:

1. What are currently being done to protect children from all forms of violence within the given setting?
2. What are the pros and cons of existing interventions?
3. How can existing interventions be improved?
4. What new interventions can be introduced to protect children from all forms of violence within the given setting?

The workshop generated a good overview and analysis of actions being carried out locally by multiple statutory and non-statutory actors in the country, as well as interesting recommendations on how to better protect children from violence in home, school, care and justice institutions, and the community. The following section provides summaries of the participants' reflections classified by setting.

It is important to note that, within the limits of a two-day workshop, it was not possible to produce an exhaustive report on ALL that is locally being done in the domain of protecting children against violence in different settings. In addition, for the purpose of the present report, the ideas collected have not been fully detailed at this stage and will require further elaboration by the relevant stakeholders for proper implementation.

5.3 Protection of children against violence in different settings: Summaries from the workshop

5.3.1 The home and family settings

- **What are currently being done to protect children from all forms of violence within the home and family settings?**

1. **Established child-related legislation, policies and programmes:** Our Republic has put in place a framework of laws, policies and programmes to prevent violence against children by providing adequate protection, and respond to violence if it occurs. Local laws pertaining directly or indirectly to the protection of children from all forms of violence are the Child Protection Act 1994, the Ombudsperson for Children Act 2003, the Protection from Domestic Violence Act 1997, the Criminal Code 1838, the Mauritian Civil Code, the Juvenile Offenders Act 1935, amongst others.
2. **Multiple agencies that deal with issues related to violence against children:** A plethora of statutory and non-statutory bodies in the Republic of Mauritius intervene in different ways on violence-related child matters such as the Child Development Unit (CDU), Family Welfare and Protection Unit (FWPU), Alternative Care Unit (ACU), Probation and Aftercare Services, Ministry of Health and Quality of Life (Hospitals), Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHTERSR), Mauritius Police Force (Brigade pour la Protection des Mineurs and Police Family Protection Unit), National Children's Council, Family Court, National Corporate Social Responsibility Foundation, Ministry of Social Integration and Economic Empowerment, Prime Minister's Office, Ministry of Social Security, National Solidarity and Environment and Sustainable Development, Special Education Needs Authority, non-governmental organisations (NGOs), the media and so on.

3. **A hotline for the reporting of child abuse cases:** The hotline number 113 is operational on a 24-hour basis for reporting actual or suspected cases of child abuse, including child trafficking and commercial sexual exploitation of children (CSEC), either anonymously or otherwise.
4. **A protocol of assistance for victims of sexual assault (young victims/child):** This protocol has been established since March 2006 to foster better coordination amongst stakeholders in cases of children victim of sexual assault. It lays down the procedures that the Police and other concerned agencies have to adopt so as to give prompt attention and assistance to victims of sexual abuse. It also provides for referral to appropriate support services to victims.
5. **Sensitisation on violence against children:** Awareness and sensitisation campaigns on the issue of violence/abuse against children are regularly conducted for specific target groups of children and adults and the public in general by the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW), Mauritius Police Force, the Ombudsperson for Children's Office, the Council of Religions, community-based organisations, NGOs and the media, amongst others.
6. **A centralised online content filtering system to avoid exposure of children to pornographic material:** The extensive use of the internet around the globe has not only provided easy access to a wealth of information, but also to harmful online material such as sites involving child pornography. The Information and Communication Technologies Authority (ICTA) has launched a centralised online content filtering solution to filter access to child sexual abuse (CSA) sites for internet users in Mauritius.
7. **Increase in human resources in the fields of child protection and welfare:** Provisions for 10 additional Family Welfare Protection Officers and 5 more Enforcement Officers have been made in the national budgetary measures of 2019-2020 to improve child and family protection and welfare.

• What are the pros and cons of existing interventions?

Pros	Cons
<ol style="list-style-type: none"> 1. Appropriate structures for reporting and intervention are available in the country. 2. Children victims of violence have access to therapeutic support and rehabilitation. 3. National action plans are in progress. Projects and programmes are being continuously implemented by different institutions to protect children from all forms of violence within the home and family settings. 4. There is fair networking among stakeholders to communicate and exchange information on child protection. 5. The child protection hotline 113 enables prompt and timely assistance to children in need and their families. 6. The centralised online content filtering system launched by the ICTA can reduce the availability and circulation of images related to child abuse in Mauritius and minimise their exposure to children. 	<ol style="list-style-type: none"> 1. Not all cases of violence against children in home/family settings reach the attention of authorities, often due to parents, neighbours or other actors/witnesses suppressing information by fear of retaliation, police involvement, stigma and loss of reputation. 2. There is a lack of proper monitoring, evaluation and follow-up of cases of violence against children by relevant stakeholders. 3. There are insufficient specialists within the fields of child protection and welfare. 4. Stakeholders do not always properly coordinate their interventions or collaborate effectively among themselves. 5. Sometimes, interventions in child protection are not executed in a child-centred manner, but are led by adults' agendas. 6. Insufficient resources have hindered the implementation of projects such as "Ecole des Parents" designed to empower parents with life skills. 7. Actions by main stakeholders to prepare parents and would-be parents on good-enough parenting and on how to safeguard children who are victims or at risk of violence have been limited. 8. There is not enough publicising of all the services provided by relevant Ministries in relation to protecting children from violence. 9. There is a lack of targeted measures addressed to vulnerable groups of children such as children of incarcerated parents, children with disabilities or children with HIV/AIDS. 10. There are not enough leisure or recreational facilities adapted for families in the country.

- **How can existing interventions be improved?**

1. **The Children's Bill:** It must be ensured that existing scattered laws related to children in the Republic of Mauritius are reviewed into a comprehensive and consolidated Children's Bill that is in line with the provisions of the UNCRC.
2. **Increase investments in prevention programmes:** The country must invest more in devising proactive measures and regular programmes that address the needs of children who are especially vulnerable to violence, for example, children with disabilities, children of incarcerated parents, children from minority groups, looked-after children.
3. **Culturally appropriate and gender-sensitive parenting programmes:** Existing parenting programmes have to be revised to ensure that they are culturally appropriate and gender-sensitive, and that they are evaluated on their impact in fostering violence-free homes. These programmes could include components such as the rights and responsibilities of children, family values, the importance of attachment bonds between parents and their children, the physical, psychological, sexual, and cognitive development of infants, children and young people in the context of social and cultural factors, good-enough child-rearing and parenting skills for fathers and mothers, the promotion of non-violent relationships and positive discipline, problem-solving skills, the management of family conflicts, the importance of family-oriented leisure, addressing gender stereotypes, and emphasising the involvement of men and boys in family life.
4. **Enhance networking relationships:** There should be better coordination and communication among the relevant stakeholders including authorities, families and NGOs. These stakeholders should be involved in policy debates and discussions at all levels where possible, in decision-making and in taking stock of amendments in policy measures. A directory of children's services provided by the stakeholders including their contact details could be circulated as a way of consolidating networking relationships.

5. **Improve case handling strategies:** A working committee involving multiple agencies and professionals from different disciplines could be set up to brainstorm and resolve cases of violence against children on a regular basis in a concerted and timely manner.
6. **More qualified, trained and specialist staff:** More specialists working in the field of child protection should be recruited. Staff should be regularly provided with capacity building and training programmes to improve service delivery to children. Participants proposed that dedicated liaison officers could be recruited to coordinate the follow-up of cases being dealt by different authorities.
7. **More intensive mass sensitisation:** More aggressive awareness-raising campaigns targeted to different groups of children and adults to prevent and combat violence against children should be carried out. The content of these campaigns could be created in reference to the UN Committee on the Rights of the Child's General Comment No. 13 (2011)²⁰ on the 'right of the child to freedom from all forms of violence'. Moreover, as an early intervention strategy, parents coming to pre-natal and post-natal care units in private clinics and public hospitals can be informed about child protection issues.

- **What new interventions can be introduced to protect children from all forms of violence within the home and family settings?**

1. **Domestication of the UNCRC:** The UNCRC, having been signed and ratified by the Republic of Mauritius, should be domesticated to enforce its provisions.
2. **Formalise human rights training programmes:** As per the recommendation of the Committee on the Rights of the Child (2006, paragraph 23)²¹, the State "should strengthen and systematise its human rights training programmes, including the principles and provisions of the Convention, for all professional groups working with and for children

²⁰Committee on the Rights of the Child (2011). *General Comment No. 13 (2011): The right of the child to freedom from all forms of violence*. Geneva: United Nations. Retrieved on 29 July 2019 from www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf

²¹Committee on the Rights of the Child (2006). *Consideration of reports submitted by States Parties under article 44 of the Convention - Concluding Observations: Mauritius*. Geneva: United Nations.

such as judges, lawyers, law enforcement officials, traditional and religious leaders, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. In this regard, particular attention should be paid to Rodrigues and Agalega.”

3. **High-level task force to respond to violence against children:** A high-level task force composed of representatives from public, private and civil society sectors could be set up specifically to review and address the issue of violence in the home and family settings.
4. **Information technology support in transmitting positive values to children:** An internet/mobile application that promotes family values and children’s rights and responsibilities could be designed in fun and interactive ways for use by different age groups of children. Such technology should be used in conjunction with parent-child interactions on these matters.
5. **Local research on violence against children:** In-depth local research on different topics related to violence against children within the home and family settings (e.g. gender differences in violence perpetrated against children, the impact of different forms of violence on child development, etc) could be undertaken to inform relevant policies and improve service delivery to children and families.

5.3.2 The school or other educational settings

- **What are currently being done to protect children from all forms of violence within the school or other educational settings?**

1. **Student Behaviour Policy:** The MEHRTE SR published the Student Behaviour Policy which has been introduced in all State Secondary Schools (SSSs). Extra-curricular activities and sessions on moral values are also organised for students to promote a culture of peace at school.
2. **Lawful prohibition of corporal punishment in schools:** Article 13(4) of the Education Regulations 1957 prohibits corporal punishment in all schools of the Republic of Mauritius. Teachers are required to take cognizance of these provisions at the beginning of each school term by signing a circular on the matter.

3. **The nine-year schooling system:** This new system consists of measures that can prevent violence in schools. For example, extended classes, winter and summer school programmes, holistic and remedial education classes have been introduced that can prevent students from dropping out early from the school system and engage them in safe and peaceful activities within schools. In addition, teaching methods such as story-telling, arts and drama are being promoted in the school curriculum, which can promote positive values among students.
4. **Psychological support and follow-up to students and families:** The National Education Counselling Service (NECS) provides psychological support and follow up to children and their families by Educational Psychologists and Educational Social Workers. Student Care and Counselling Desks have been set up in all SSSs. Teachers actively participate in the school discipline mechanism through pastoral care, orderly duties and disciplinary committees. A “Service d’Ecoute” has also been set up in “Service Diocésain De L’Education Catholique” (SeDEC) schools to listen to pupils’ concerns.
5. **Public access to schools restricted:** Access to schools are only limited to students, school staff and other authorised individuals. Screening is carried out at the main entrance to prevent unauthorised or risky individuals to enter the school premises and cause nuisance or harm to students.
6. **Sensitisation in schools:** The MEHRTEsr regularly issues circulars and organises workshops to sensitise rectors and teachers on the problem of violence at school. Parents are routinely informed about the school rules through a code of conduct given to them at the beginning of every school year, in class meetings and through the Parents Teachers Association (PTA). Other stakeholders such as the Ombudsperson for Children’s Office and the Brigade pour la Protection des Mineurs also regularly organise sensitisation campaigns regarding violence in schools.
7. **The setting up of the Special Education Needs Authority (SENA):** Discriminating against children with disabilities in the education system is a form of violence. The newly set up SENA of the MEHRTEsr is promoting inclusive education and favouring, as far as possible, the integration of children with disabilities in mainstream education. Provisions have been made to recruit carers and support teachers to assist children with disabilities at school.

8. **Networking with NGOs to inculcate values to vulnerable students:** In certain Zone d'Education Prioritaire (ZEP) schools, NGOs are being given access to educate students on moral values through arts.

• **What are the pros and cons of existing interventions?**

Pros	Cons
<ol style="list-style-type: none"> 1. Workshops, talks and sensitisation campaigns help in educating as many school communities as possible on the impact of violence and how to prevent and respond to situations involving violence in a non-stigmatising way. 2. Counselling and psychological support are available to children in need to facilitate their adaptation and integration at school. 3. Diversifying teaching methods through music, drama and arts creates a more conducive and peaceful learning environment for students. 	<ol style="list-style-type: none"> 1. Sensitisation campaigns within schools tend to be one-off events organised by various agencies who do not necessarily communicate with one another. These organisations may use different approaches on sensitising students against violence and they may sometimes diverge significantly, hence confusing students. Despite these campaigns, the number of reported cases of bullying and other forms of violence against and by students is known to be on the increase. 2. Teachers lack training on alternatives to corporal punishment and positive discipline, and they often feel helpless or lack confidence in dealing with indiscipline at school. Despite being prohibited by law, some school staff are still being reported to authorities for resorting to corporal and humiliating punishment towards students. 3. There are some heads of schools who may try to protect the reputation of their establishment by not reporting instances of violence at school. In so doing, both the victim(s) and perpetrator(s) are deprived of access to the appropriate support and treatment. 4. In instances of violence at school, often interventions deal primarily with the behavioural aspects and not sufficiently on the individual needs of the victim or perpetrator. 5. There is an overall shortage of Educational/Clinical Psychologists and Educational Social Workers. 6. Sometimes, there is resistance from parents on giving consent to their child to see a Psychologist. 7. The mainstream education culture is still quite resistant to change despite recruitment of new categories of school personnel (e.g. Holistic Educators).

- **How can existing interventions be improved?**

1. **Ensure that interventions are multi-faceted, systematic and coordinated:** Interventions in cases of violence in schools or other educational settings should be dealt with both at the micro (individual) and macro (system) levels. A systematic and coordinated approach to preventing and tackling violence can be employed by all relevant stakeholders at the school level (i.e. school management, pupils, parents, educators, the NECS and the Zone Directorates). This must stem from a clear protocol of action adapted to the needs of each school and collaboratively designed by all parties, including students. The roles and functions of each party must be clearly defined to avoid confusion or duplication of responsibilities. Further referrals to external agencies such as the BPM, CDU, OCO, NCC or Anti Drug and Smuggling Unit (ADSU) could be made as necessary.
2. **Continuous professional development (CPD) training for teachers:** Teachers should benefit from CPD training sessions that are practical in nature so that they can better deal with student behavioural problems in their day-to-day work using non-violent disciplinary measures.
3. **Innovating sensitisation strategies:** Sensitisation within schools on positive themes such as peace, care and solidarity could be done through more innovative, student-friendly and sustainable strategies such as the use of internet applications, video clips and social media as well as creative and performing arts. Sensitisation campaigns must be done in a planned and collaborative manner by the stakeholders involved to improve the sustainability and impact of these initiatives.
4. **Involving students in school decisions:** In line with article 12 of the UNCRC, schools must create opportunities for children and young people to participate actively in decision making instances, beyond mere tokenism, so as to develop their sense of belonging and empower them. The roles of Prefect bodies, student councils and class captains must be redefined and harmonised for all schools. Valuing the views of students can encourage them to employ non-violent ways in conveying their thoughts and emotions about matters concerning them.

- **What new interventions can be introduced to protect children from all forms of violence within the school or other educational settings?**

1. **Human rights education in schools:** As from the primary school level, students must be introduced to human rights education as part of their curriculum. They will learn about the Universal Declaration of Human Rights, the Convention on the Rights of the Child and human values such as peace, respect, solidarity and so on. The pedagogical approach must be age-appropriate and interactive for pupils to be able to engage in open discussions on relevant topics, including violence and its consequences.
2. **Providing specialised training to teachers:** Teachers can be incentivised to move beyond their normal duties through the provision of specialised training on how to actively listen to and build empathy with students and how to identify and address triggers of violent behaviours in schools. Teachers must also be empowered to shift from traditional teaching methods to more interactive pedagogical techniques such as cooperative learning activities, structured games and role plays.
3. **Psychosocial support allocated for smaller clusters of schools:** With the increasing number of cases of violence within schools, it could be envisaged to have Psychologists and/or Counsellors posted for smaller clusters of schools. With a reasonable caseload, these professionals can carry out closer and more regular follow-ups with students in need.
4. **One continuous file for each student from the start to the end of his/her schooling:** Very often, as a measure of convenience, students with behavioural problems are transferred to other schools, carrying with them their unresolved problems. The schools lack information on the background, educational and psychosocial history of newly admitted students. One continuous file from the student's start to end of schooling could help with this issue. This file will be portable (manually or electronically), highly secured and only accessed by authorised individuals. Information on the child will, hence, not be lost during school transitions.
5. **Redefining the participation of the family and community in students' education:** Initiatives through Educational/Community Social Workers could be designed to increase active partnerships with parents and communities in the child's education, within and outside school hours. Families/parents could collaborate with their children's school to identify, intervene and help each other in matters of prevention and protection of children from all forms of violence.

5.3.3 Institutional settings

5.3.3.1 Care institutions

- **What are currently being done to protect children from all forms of violence within care institutions?**

1. **A local authority for overseeing alternative care in the country:** The Alternative Care Unit (ACU) of the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW) provides for the rehabilitation of children who have been victims of all forms of violence in their home/family settings and who have been placed in the care system (e.g. foster care and residential care). More information on the ACU is available on gender.govmu.org/English/Pages/ALTERNATIVE-CARE-UNIT.aspx.
2. **Inspection of RCIs:** The MGECDFW has an inspectorate system consisting of Enforcement Officers who ensure that residential care institutions (RCIs) are complying to the 'Dos and Don'ts of RCIs' and are respecting the Guidelines for the Alternative Care of Children (GACC; United Nations, 2010)²². This applies to both Government-run and NGO-run RCIs.
3. **Care plan for children in alternative care:** Each child placed in alternative care settings have a care plan which is based on a psychosocial enquiry conducted by Psychologists and Social Workers when they were removed from their homes and assessments by medical professionals. Authorities and RCIs ensure the medical, psychological and psychiatric follow-up of these children as necessary.
4. **Smaller RCIs separated by gender:** There are continued efforts by the MGECDFW to reduce the number of children living together in RCIs to improve their wellbeing and minimise the risks of violence by children or staff within RCIs. Girls and boys live separately in most RCIs, except when there are sibling groups.
5. **Efforts to de-institutionalise the alternative care system:** The MGECDFW wishes to de-institutionalise alternative care by working on the reinsertion of children with their families/next of kins through the *Back-to-Home Programme*.

²²United Nations (2010). *Guidelines for the Alternative Care of Children*. Geneva: Author. Retrieved 02 August 2019 from www.unicef.org/protection/alternative_care_Guidelines-English.pdf

• What are the pros and cons of existing interventions?

Pros	Cons
<ol style="list-style-type: none"> 1. Within the alternative care system, it is ensured by authorities and the relevant NGOs that the children are provided with their basic (e.g. clothing, food, and shelter) and health needs (e.g. medical assistance and psychological support). 2. Although the children are away from their homes, they retain their familial, cultural and religious identities within RCIs or foster care homes. Contact between the children and their families is maintained through phone calls and parental visits, except when this might not be in their best interests as per Court orders. As far as possible, sibling groups are placed in the same RCIs. 3. It is ensured by authorities and RCI Managers that children are attending school or other educational settings (e.g. vocational training) at least until the compulsory age of 16 years. 	<ol style="list-style-type: none"> 1. RCIs are becoming heterogeneous environments where children victim of all sorts of violence are being placed together. This increases the risk of violence within RCIs, particularly when living conditions and staff supervision are poor. 2. Some children in RCIs at times face violence from staff such as verbal abuse, beatings, excessive or prolonged restraints, harassment or even sexual abuse. 3. Many RCIs' staff report that a lot of children they work with have behavioural problems and, as a result, they often experience burnout. 4. Carers working in RCIs are hardly aware of the basic provisions of the UNCRC and the GACC. 5. The ratios of caregivers to children within RCIs are not fully respected at times. 6. A considerable number of children's care plans in RCIs contain very little information, if none at all. The lack of proper assessment and intervention records compromise the quality of rehabilitation of these children. 7. The quality of care in RCIs is further affected by factors such as a lack of <ol style="list-style-type: none"> a) resources (e.g. material, financial, human); b) proper legislation for the operation of places of safety; c) ongoing training for RCIs' staff; d) incentives for RCIs' staff to improve employee retention; and e) sustained partnership and networking among all stakeholders.

Pros (ctd)	Cons (ctd)
	<p>8. In addition, RCIs are not adequately involved by authorities in the process of the child transitioning from his/her family home to the RCI, except when they are asked to approve whether they can accommodate the child.</p> <p>9. No national long-term strategy in the domain of alternative care in line with the UNCRC and the GACC has been put in place so far.</p>

• How can existing interventions be improved?

- Improving child assessments and follow-ups:** Comprehensive initial and follow-up assessment must be carried on each child before and after admission to RCIs. This will better inform the child's care plan and improve chances for the child to be reintegrated within his/her family or community.
- Capacity building of RCI staff:** Working in RCIs is emotionally, intellectually and physically exhausting. Staff, including carers could be provided with continuous training and exposure to understand three essential things:
 - the needs of the residents from a social, medical and psychological perspective;
 - the practical skills to perform care tasks; and
 - themselves as staff, in other words, understanding their own history, feelings and reactions to a resident's pain or disturbance.

It is recommended that a formal and certified training pathway is set up for staff working in residential care. This can help in creating standardised schemes of duties and salary scales for these staff members. Staff working directly with children must also be provided with appropriate supervision and psychological assistance within RCIs.
- Creating or reinforcing monitoring systems for RCIs:** Proper internal and external monitoring and evaluation procedures for RCIs have to be set up (if not already available) or reinforced to ensure that RCIs are acting in the best interests of their residents and that public funds are being used in an effective and ethical manner.

4. **Professionalising foster care:** As a response to the Committee on the Rights of the Child's (2015, para.43) concerns on the Republic of Mauritius that "institutionalization, in particular of children under the age of 3 years, is used more often than family-based care, and that foster care is inadequately professionalized", the foster care system must be boosted by authorities to promote family-based alternative care. It is promising to see that training for newly registered foster parents is being organised by the ACU.

5. **Enacting the Adoption Bill:** Adoption procedures in Mauritius can be greatly improved by making provisions to implement the Committee on the Rights of the Child's (2015, para.46)²³ recommendation as follows:

The Committee recommends that the State party urgently adopt the new Adoption Act to ensure that in cases of adoption the decision of the judge is supported by a psychologist's or social worker's assessment regarding both the child and the adopting parents, in order to ensure that adoption is in the best interests of the child. In that regard, the State party is encouraged to set up an independent body to facilitate adoption processes, including by drawing up a list of prospective Mauritian parents, to establish judicial verification of whether there are Mauritian families interested in adoption, and to prepare families and prospective parents properly, in accordance with the 1993 Hague Convention No. 33 on Protection of Children and Co-operation in Respect of Inter country Adoption.

6. **Improving the infrastructure of RCIs:** RCIs' buildings should be improved in terms of their spaciousness and child-friendliness. They must also have safe outdoor areas within their premises for children to rest and play.

7. **Increasing access to safe leisure and recreation for children living in RCIs:** It is important for children in RCIs to benefit regularly from leisure, play, and indoor and outdoor recreational activities. These not only improve their physical and mental health, but allow them to channel difficult emotions in a safe way rather than resorting to challenging behaviours.

²³Committee on the Rights of the Child (2015). *Concluding observations on the combined third to fifth periodic reports of Mauritius*. Geneva: United Nations.

- **What new interventions can be introduced to protect children from all forms of violence within care institutions?**

1. **Redesign residential care:** Small, home-like structures, accommodating a small group of children at a time with 2-3 caregivers, could become the future norm for residential care, and large-sized RCIs could gradually phased out.
2. **A strong and well-defined legislation for alternative care:** Well-defined alternative care regulations based on the UNCRC, the GACC and General Comments made by the UN Committee on the Rights of Children could be included in the forthcoming Children's Bill.
3. **A clear protocol for situations of violence within RCIs:** Authorities could devise a clear protocol of action that allows for different sources, including children, to alert them on actual or suspected cases of violence within RCIs, and for a prompt and efficient response in handling such cases.

5.3.3.2 Justice institutions

- **What are currently being done to protect children from all forms of violence within justice institutions?**

There are various justice institutions for children and young people in conflict with the law in the Republic of Mauritius, namely the Probation Hostel for Boys (PHB), the Probation Home for Girls (PHG), the Rehabilitation Youth Centres (RYCs) and the Correctional Youth Centres (CYCs). They are briefly described below in relation to the measures in place to protect their residents from violence. In addition, some provisions of the Court to protect minors from violence during case proceedings are outlined.

1. **Probation Hostel for Boys and the Probation Home for Girls:**

The PHB and the PHG are semi-open reform institutions, in contrast to the RYCs and CYCs. Their main function is to provide residential rehabilitative treatment to convicted juveniles and “*uncontrollable juveniles*” (current terminology as per the Juvenile Offenders Act 1935) committed by District Courts, aged up to 18 years, for a period not exceeding 3 years.

2. Rehabilitation Youth Centres (RYCs):

- Children at the RYCs are provided with regular counselling, psychological support, medical and sports facilities through the State and NGOs. For instance, the Mauritius Sports Council and an NGO, *Association Kinouété*, provide coaches to RYC residents to practice sports such as judo, karate, swimming, educational boxing and weightlifting. The NGO also sponsored a group of RYC residents to go to stadiums during the Jeux des Iles de l'Océan Indien in July 2019.
- *Association Kinouété* also acts as a liaison between the RYC residents and their families and support the residents to get access to justice.
- Minors at the RYCs are proposed training courses in fields such as hair dressing, electrical technology and plumbing. There is also the “*Projet Employabilité Jeunes*” provided by Beachcomber and sponsored by *Association Kinouété* which enables interested RYC minors to train in hotels and obtain working opportunities in this sector after their release.
- RYC residents are sensitised by different resource persons or organisations on several topics including the prevention of violence within their institution.

3. Correctional Youth Centre (CYC):

- In CYCs, the minors participate in activities such as painting, gardening and music, usually facilitated by NGOs. They are also encouraged to engage in regular outdoor activities. In 2018, CYC residents participated in the Duke of Edinburgh Award Scheme where they received prizes.
- The CYC works in collaboration with *Association Kinouété*, Mauritius Institute of Training and Development (MITD) and some private companies which give inmates the opportunity to get certified training in certain fields (e.g. painting).
- CYC minors are encouraged to at least complete their primary level education (i.e. Primary School Achievement Certificate).
- *Association Kinouété* provides psychological support to CYC residents twice a week.

4. Cases involving minors in Court:

- Under the Juvenile Offenders Act 1935, a “*juvenile offender*” is generally considered to be a person below the age of 17 years. There are protective mechanisms for juvenile offenders in Court. For instance, the court proceedings take place in chambers and in the presence of a responsible party. The offender is liable to be sent to a reform institution, rehabilitation centre or probation hostel as decided by the magistrate. No child is deprived of his liberty unlawfully or arbitrarily. No child is sentenced to capital punishment or life imprisonment.
- There are different ways whereby the court deals with child victims. For example, the Magistrate can impose conditions on the accused so that he/she does not interfere with the child victim (e.g. curfew orders on the accused or the latter has to live far from the victim’s place). In court procedures, there is the possibility for the victim to be heard on camera to protect his/her privacy and where the public is also excluded from court room. There are also video link facilities available where the victim does not see the accused when he/she gives evidence against him/her.

• What are the pros and cons of existing interventions?

Pros	Cons
<ol style="list-style-type: none">1. Authorities in collaboration with NGOs continuously meet the multiple needs (e.g. food, clothing, shelter, education, leisure, recreation, psychological support, etc) of children within justice institutions.2. In the RYCs, sports activities are being given an important place in the rehabilitation of its residents with each of them having his/her own individualised fitness programme.3. Children in RYCs and CYCs are being provided with training sessions in technical trades/skills.4. To promote social reintegration of RYC residents, they can be granted home leave. Those with good conduct can also be released from the RYCs.	<ol style="list-style-type: none">1. RYCs are being referred children with increasingly different backgrounds and histories of violence (e.g. uncontrollable juvenile, children who committed larceny and children who are drug addicts). The minors influence one another in negative ways and this makes it difficult for the staff to manage.2. There is a lack of background information (e.g. family, medical, psychological and educational history) on the residents provided to the staff at the RYCs and CYCs, which affects rehabilitation / therapy decisions.3. There is a lack of proper follow-up after minors get discharged from probation care, RYCs and CYCs.4. There is no permanent Psychologist who works at the CYCs and RYCs.

Pros(ctd)	Cons(ctd)
	<p>5. There are staffing issues at the RYCs/CYC, for instance:</p> <ul style="list-style-type: none"> • inadequate staff; • lack of in-service specialised training for RYC/CYC officers who are in fact Prison Officers; and • experience of burnout by some officers. <p>6. There is no special provision for pregnant teenagers who are remanded to RYC or condemned in CYC.</p>

• How can existing interventions be improved?

1. Least restrictive measure for children in conflict with the law: Authorities must work towards a decreasing trend in detaining children in conflict with the law within institutions. Detention must be a measure of last resort for those minors who present significant dangers to others, and it must be for the shortest period possible. Magistrates and Officers at the Office of the Director of Public Prosecutions (ODPP) could regularly visit RYCs and CYCs to learn about the situation of the residents and, hence, make more informed judicial decisions regarding children in conflict with the law.

2. More intensive rehabilitation and reintegration support for minors in conflict with the law: Rehabilitation and reintegration support in RYCs and CYCs can be intensified in different ways, for example:

- More regular psychological support through the hiring of permanent Psychologists based at these institutions could be provided to the minors.
- Family/social reintegration can be emphasised through increasing parental visits and home leave where possible, and working in close collaboration with families on the minor's rehabilitation. For this purpose, more Welfare Officers or Social Workers could be recruited. Additionally, more community-based outdoor activities could be organised to facilitate the minors' social reintegration.

- Sensitisation campaigns with the RYC/CYC staff and residents, as well as the public, on the rights and issues related to children in conflict with the law could be carried out more regularly.
- Authorities and NGOs could learn from each other's best practices through networking and training to improve their interventions in the rehabilitation of children in conflict with the law.

3. Specialised training and support for staff in justice institutions: Specialised training on different topics including child and adolescent psychology, child rights and responsibilities, international and local legislation on children in conflict with the law and management of challenging behaviours must be continuously dispensed to staff working in justice institutions. Supervision, welfare and group support arrangements must also be improved for staff so that they could be provided with a confidential service to talk through their concerns, manage work stress and improve their practices.

- **What new intervention(s) can be introduced to protect children from all forms of violence within justice institutions?**

1. A separate and specialised Juvenile Court: The Juvenile Offenders Act 1935 must be reviewed to make provision for a full-fledged, separate and specialised Juvenile Court to deal with cases of children in conflict with the law. Such a court must be in line with the provisions of the UNCRC and chaired by Magistrates specialised in children's rights. The child can benefit from the services of a lawyer free of charge. Psychologists and Social workers can be attached to the Juvenile Court to assess the needs of the child and to inform same to the Magistrate before any verdict is made. Video conferencing facilities can also be made available for all cases involving children to avoid them from going physically into Court.

2. Age of criminal responsibility: A minimum age of criminal responsibility should be set in our legislation to protect young children from being prosecuted. According to the UNCRC, it should be high level of age 14 or 16 commendable.

5.3.4 The community

- **What are currently being done to protect children from all forms of violence within the community?**

1. Statutory and non-statutory agencies working for preventing violence in the community and protecting actual or potential child victims:

- Child protection services (i.e. CDU and ACU) under the aegis of the MGECDFW operate on a 24-hour basis using the hotline 113 for receiving reports on any form of violence against a child and providing the required support.
- Upon reports of children victim of violence, authorities along with relevant community-based stakeholders (e.g. MGECDFW, MEHR, OCO, family members, neighbours, school management, NGOs, etc) organise case conferences to handle cases in a comprehensive, multi-disciplinary and coordinated manner.
- The Citizens Advice Bureaux (CABx) which are operational in 35 regions across the island can liaise between the public and the relevant authorities in cases of violence against children. The CAB officer records complaints and makes referrals to the Citizen Support Unit (CSU).
- There are Child Watch Committees set up across the country to involve different stakeholders in the prevention of violence against children in the community.
- There are preventive police patrols carried out by the Brigade pour la Protection des Mineurs (BPM) that target night clubs, tobacco shops, bars and other risky places where children can be found.
- The Family Welfare and Protection Unit of the MGECDFW works towards the implementation of policies and strategies to promote family welfare in the community and address the problem of gender-based violence.
- Sensitisation campaigns are regularly organised in the community by relevant stakeholders such as the MGECDFW, the Ombudsperson for Children's Office (OCO), the

National Children's Council, the BPM and NGOs to create awareness on the importance to protect children from all forms of violence.

- Some NGOs, civil society organisations and “forces vives” support community members in protecting children against violence under different schemes and programmes.
- In some parts of the country, there are Street Educators who follow children at risk in their communities to protect them from drug abuse, street violence and other social ills.

2. Empowering economically vulnerable families that can help in preventing violence against children:

- The 2016 Marshall Plan Against Poverty was formulated with the aims of eradicating poverty and fighting social exclusion in pockets of poverty around the island, where community violence tends to be more present.
- The National Empowerment Foundation (NEF) operates under the aegis of the Ministry of Social Integration and Economic Empowerment (MSIEE) and it delivers a range of empowerment support services as per the Marshall Plan Social Contract to families eligible under the Social Register of Mauritius (SRM).
- The National Corporate Social Responsibility Foundation (NCSRF), also under the aegis of the MSIEE, allocates CSR funds to NGOs and civil society organisations in order to undertake programmes and projects in approved priority areas for individuals and/or families on the SRM or recognised as vulnerable groups.

3. Providing community-based psychosocial and educational support to children and families:

- Counselling and mediation services are provided by the 6 Family Support Bureaux (FSBx) across the island in view of helping parents and children to cope better with family issues.

- The 'Atelier Partage Parents' programme is delivered by the National Children's Council and is conducted in Social Welfare Centres and Community Centres across different parts of the country. The programme covers a range of topics including health, nutrition, rights and responsibilities of children, child violence and challenges of parenting. It aims to empower parents with the ability to manage and develop positive coping mechanisms to better carry out their parenting role. These programmes also build networking among parents living in the same communities so they could support one another in times of need.
- The 'Love Project' launched by the Mauritius Police Force is a programme for couples who are planning to get married. The project aims to prepare couples for marriage and its challenges in view of fostering strong and healthy relationships between spouses. It also sensitises couples on the adverse impact of domestic violence. Additionally, the Catholic Church proposes a preparation course on marriage to prospective couples.
- **What are the pros and cons of existing interventions?**

Pros	Cons
1. Dissemination of information and sensitisation campaigns through the media address the concerns of the public. They are informed on what to do and where to go in case of problems of violence against their children.	1. The sensitisation campaigns are not always properly targeted to the relevant populations and their impact is not evaluated.
2. Child victims of violence receive psychological support and assistance provided by authorities and the civil society.	2. Owing to a shortage of qualified staff, psychosocial interventions by Psychologists and Counsellors within the community tend to involve large groups at once, are not very regular and are not sustained over time.
3. Children and parents are being listened to through psychosocial and educational support and they are learning on more positive ways of consolidating family ties and engaging with other families in the community.	3. Stigma towards victims of violence in the society often discourages many of them to get involved in lengthy trials against their perpetrators.
4. Police patrols are proactive measures. They act as a deterrent to violence in society and as a protective shield for the citizens. This instills confidence in the police force among members of the public.	4. Police patrols are not carried out frequently enough due to a shortage in staff and police vehicles.

Pros(ctd)	Cons(ctd)
5. With case conferencing, stakeholders intervene in a concerted way while dealing with cases of violence against children.	5. Amateurish or poorly organised case conferences chaired by people who lack the required skills can cause more harm than good to the child victims and their families.
6. The 'Back-to-Home' Programme of the ACU favours a more community approach towards the reintegration of looked-after children back to their families. Parental visits are increasingly being carried out in local community centres.	6. The Child Watch Committees are not very active on the field and seem to be generally dormant.
7. CSU provide prompt services to communities.	7. There is no provision for the follow-up and support of children after they have left RCI and gone back to the community.

• How can existing interventions be improved?

- Evaluating and modernising sensitisation campaigns:** The impact of the sensitisation campaigns on the community must be evaluated scientifically with clear indicators set and measured. Campaigns must shift from verbal interventions and prints to the use of technology and social media that can make them more attractive and easily accessible to the larger public.
- Improving police interventions:** Intelligence collection can be improved by the police to identify as many risky spots for children within communities and intervene promptly. Curfew orders can be given in high-risk areas. A Child Perpetrator Watch can be introduced.
- Improving the efficiency of case conferences:** It must be ensured that case conferences are only organised by stakeholders who have the skills to do so. The input of NGOs must be solicited during case conferences to participate in finding solutions in cases of children victim of violence.
- Strengthening existing structures:**
 - The Child Watch Committees could be revived and incentives should be provided to stakeholders in view of ensuring meaningful participation.
 - The "Atelier Partage Parents" programme could be expanded to all Community and Social Centres in the Republic of Mauritius.

- The work of Street Educators could be institutionalised and provided with the necessary resources to reach a wider range of children and families in need across the country.
- The social protection of children with disabilities and their families, who are particularly vulnerable to different forms of violence, could be more emphasised. For instance, providing short-term respite care to parents of children with disabilities can lessen stress on the family as a whole and act as a preventive mechanism against violence.

- **What new interventions can be introduced to protect children from all forms of violence within the community?**

1. A national policy and plan of action on protecting children against all forms of violence:

Such a policy and action plan should contain realistic and time-bound national targets in reducing all forms of violence against children. It must be coordinated by a high-level State body that has the capacity to involve multiple stakeholders, to systematically monitor implementation strategies and to evaluate the progress made in relation to set targets. The plan of action must be based on the provisions of the UNCRC and 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). It should give way to targeted programmes that address risk factors for violence against children such as lack of parent-child communication, family breakdown or abuse of alcohol and substance, among others. The role and contribution of all relevant stakeholders including the CDU, the police, schools, health care centres, municipal councils, village councils, NGOs, among others, must be clearly defined in this national strategy document.

2. Professionalising community-based interventions: Multi-disciplinary teams (MDT) of professionals such as Psychologists (Clinical/Educational), Social Workers, Family Therapists and Qualified Animators must be especially recruited and based within communities. The MDT would do home visits or meetings in community and social centres to conduct in-depth assessments on the needs of vulnerable children and families. Interventions could involve psychoeducation on parenting and the impact of violence on children, individual/family therapy, forming support groups with community members and community-based animations with children and families on promoting peace.

CHAPTER 6: ENHANCING THE MANAGEMENT OF CHILD ABUSE CASES IN RODRIGUES



6.1. Background

During an official trip to Rodrigues, Mrs Rita Venkatasawmy, Ombudsperson for Children, accompanied by two Investigators of the Ombudsperson for Children's Office, met with Mrs Rose Marie Franchette Gaspard-Pierre Louis, Commissioner for Child Development and Others, and a member of her staff in Rodrigues, on 12 February 2019. They discussed on a variety of important issues concerning children, mainly on the limitations of child protection in Rodrigues. Mrs Gaspard-Pierre Louis noted that there is a public perception of a state of insufficient coordination amongst different stakeholders in Rodrigues, which impacts on the efficiency of reporting on children victim of all forms of abuse, on the case management of these children and on their overall rehabilitation.

In the face of current challenges regarding the younger generation, it has become increasingly important to ensure that children are evolving in safe and supportive communities to enhance the realisation of their fundamental rights. Existing local referral pathways and intervention mechanisms must be strengthened to improve service delivery in child protection. Article 19 of the Convention on the Rights of the Child (United Nations [UN], 1989)²⁴ states that:

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.**"*

²⁴United Nations (1989). *Convention on the Rights of the Child*. Geneva: Author.

In line with the above-cited article, the UN Committee on the Rights of the Child (2011)²⁵ published a document known as the *General Comment No. 13 on 'the right of the child to freedom from all forms of violence'*. This publication provides important guidelines that can be adapted to improve the national coordinating framework of violence against children in any country, including Rodrigues.

Consequently, upon the request of Mrs Gaspard-Pierre Louis, the Ombudsperson for Children's Office (OCO) organised a 3-day workshop in Rodrigues entitled ***"Enhancing the efficiency and response of stakeholders in the case management of children victim of different forms of abuse in Rodrigues"*** from **17 to 19 April 2019** with frontline practitioners involved in child protection. The main aims of this initiative were to:

1. take stock of the strengths and weaknesses of the current child protection system in Rodrigues; and
2. formulate a national coordinating framework of violence against children in Rodrigues based on the United Nations Convention on the Rights of the Child.

This workshop was attended by different groups of practitioners including Officers of the Child Development Unit (CDU) of Rodrigues, Officers of the Police and the 'Brigade pour la Protection des Mineurs' (BPM), Officers of the Probation and Aftercare Service, Social Workers and Psychologists among others (see the full list of participants in Appendix C). It generated useful reflections and suggestions that were used to create a draft Child Abuse Protocol for Rodrigues.

Subsequent to that, a full day workshop was organised in Mauritius on 03 May 2019. The workshop was attended by a multi-disciplinary team comprising of Mauritian and Rodriguan stakeholders (see the full list of participants in Appendix D). The core objective of this second workshop was to refine and validate a Child Abuse Protocol for Rodrigues which intends to improve the response of agencies and professionals in the management of cases of child abuse and neglect in Rodrigues. The OCO would like to express its deep appreciation to Mrs Gaspard-Pierre Louis whose Commission fully supported the travel and participation of seven key delegates from Rodrigues at this validation workshop.

²⁵Committee on the Rights of the Child (2011). *General Comment No. 13 (2011): The right of the child to freedom from all forms of violence*. Geneva: United Nations. Retrieved on 26 February 2019 from www2.ohchr.org/english/bodies/crc/docs/CRC.C.GC.13_en.pdf

6.2. A brief overview on Rodrigues

Rodrigues is an island with a surface area of 105 square kilometres and forms part of the Republic of Mauritius. According to Statistics Mauritius (2017)²⁶, as at 31 December 2017, Rodrigues had a population of 42,818 inhabitants, comprising of 21,016 males and 21,802 females, and, as at 01 July 2017, it had an under 18 population of 13,890, with 7,010 boys and 6,880 girls.

The enforcement of the Rodrigues Regional Assembly Act 2001 allowed the island to gain autonomous powers. The Chief Commissioner is the lead political figure and is supported by six other Commissioners at the local parliament known as the Rodrigues Regional Assembly. The Commission for Child Development and Others is responsible for implementing policies concerning the welfare of children through the Child Development Unit. In 2013, the “Service de Soutien et de Protection aux Familles” was set up with a view of promoting an integrated and child-friendly service to children and families in need. For this purpose, it accommodates under the same roof officers of the CDU, the Family Welfare and Protection Unit (FWPU), the Police Family Protection Unit, the BPM and Psychologists to promote a more coordinated way of working and service delivery. This service has a hotline number (117) that can be used by any member of the public to report on cases of child abuse.

According to statistical information provided to the OCO by CDU Rodrigues, 723 child abuse cases were reported to the unit in the year 2018, compared to 865 cases in the year 2017 and 532 cases in the year 2016. In 2018, the higher proportions of referrals concerned cases of family disputes and domestic violence involving children followed by parental custody problems and children with significant behavioural difficulties. The main interventions carried out in the year 2018 consisted of follow-up with the Psychologist, home visits and mediation with families. However, it was unclear from the statistics provided whether these cases were all new, or if they included follow-up cases. It is recommended that the recording of the statistical data could be improved by categorising the data on whether they are new or follow-up cases in a given year. The data must also be disaggregated by gender, age group, type of maltreatment and type of interventions used.

²⁶Statistics Mauritius (2017). Rodrigues. Retrieved on 10 May 2019 from statsmauritius.govmu.org/English/StatsbySubj/Documents/Rodrigues/Digest_Rod_Yr17.pdf

6.3. Existing child-related legislative framework

The field of child protection in the Republic of Mauritius is undergoing an important review phase with the forthcoming Children's Bill. Currently, the most referenced law for children in the country is the Child Protection Act (CPA) 1994, which was amended in 1998, 2005 and 2008. This law provides for 'a duty to report' in its section 11 for cases of child maltreatment as stated below:

Notwithstanding any other enactment, where a person exercising any medical or paramedical profession or a member of the staff of a school has reason to suspect that a child he is examining or who is frequenting the school, as the case may be, has been ill-treated, neglected, abandoned or otherwise exposed to harm, he shall immediately notify the Permanent Secretary.

However, as underlined in the above-mentioned quote, the duty to report is limited to only three categories of professionals who are protected from liability under the CPA 1994. It is expected that this clause will be amended to include all types of professionals working with children, for example Clinical Psychologists and Social Workers, in the new child legislation. It is noteworthy to mention that during the validation workshop held on 03 May 2019, stakeholders strongly agreed that increasing the list of mandatory reporters and ensuring legal protection for whistle-blowers of child abuse cases must be considered as an urgent law reform matter.

Moreover, child-related specifications are still scattered among several other local laws such as the Protection from Domestic Violence Act 1997 and the Criminal Code 1838. The lack of a consolidated and comprehensive law for children in the country creates several challenges including insufficient optimisation and coordination of services, resources and interventions in the event of child abuse.

At an international level, it is important to highlight that the Republic of Mauritius has so far obtained three periodic reports on Concluding Observations made by the panel of experts of the Committee of the Rights of the Child (1996²⁷, 2006²⁸, 2015²⁹). These reports have consistently

²⁷ Committee on the Rights of the Child (1996). *Concluding observations of the Committee on the Rights of the Child: Mauritius*. Geneva: United Nations.

²⁸ Committee on the Rights of the Child (2006). *Concluding observations: Mauritius*. Geneva: United Nations.

²⁹ Committee on the Rights of the Child (2015). *Concluding observations on the combined third to fifth periodic reports of Mauritius*. Geneva: United Nations.

referred to the necessity to improve the local child protection system mainly in terms of a stronger legislation for preventing abuse against children, an emphasis on the rehabilitation and recovery of child victims and the importance of preserving the right of privacy of these children. Some statements from the Committee are provided below:

*In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to **take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism** (1996, paragraph 31).*

*The Committee urges the State party to **ensure that its legislation, including a children's act, explicitly prohibits corporal punishment in all settings**. The Committee also urges the State party to **promote positive, non-violent and participatory forms of child-rearing and discipline**. The State party is further encouraged to establish **a clear reporting system for incidents of corporal punishment, notably in schools** (2015, paragraph 38).*

*The Committee also recommends that the Penal Code be amended in the light of the Convention. Further measures should be taken with a view to **ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill treatment, violence or exploitation**, in accordance with article 39 of the Convention (1996, paragraph 31).*

*The Committee recommends that the State **party ensure that the child victim's privacy is protected in legal proceedings** (2006, paragraph 48(b)).*

6.4. Strengths and weaknesses of the current child protection system in Rodrigues

The health of a system can be determined by how regularly it is reviewed and how open it is to criticism and change. Therefore, one of the aims of the workshop in Rodrigues was to take stock of the strengths and weaknesses of the current local child protection system. The participants engaged actively in small groups to brainstorm and carry out an evaluation of the local situation. In the validation workshop, the following issues were discussed, as summarised in Table 5 below.

Table 5. Strengths and weaknesses of the child protection system in Rodrigues**♦ Strengths of the child protection system in Rodrigues**

1. **Resilience and responsiveness:** Despite limited financial, technical and human resources, the CDU in Rodrigues is able to attend to cases. The CDU emphasises on a client-centred approach in its work with affected children and families.
2. **Skilled human resources:** The staff at the CDU office are skilled, trained and dedicated. They include one Family Welfare Protection Officer (FWPO), two Social Workers and two Officers employed under the 'Service to Mauritius' Programme. Child mentors are also available.
3. **A collaborative, multi-disciplinary and multi-agency approach:** Social Workers, Psychologists and the FWPO collaborate with CDU Officers on the cases. There are also opportunities for debriefing sessions with the Psychologists and carry out team building activities. The CDU also has good working relationships with the '*Brigade pour la Protection des Mineurs*' (BPM) and the 'Probation and Aftercare Service'. Case conferencing and joint interventions are carried out as and when required. The 'Agents de Santé Communautaire' in Rodrigues also provide valuable support in alerting on suspected cases of child abuse.

The setting up of the **Integrated Family Centre (IFC)** in Rodrigues, known as the "**Service de Soutien et de Protection aux Familles**", is considered as an important achievement for multi disciplinary and multi-agency working in cases of child protection. It is a seat for different professionals and operates as a 'one-stop shop' for receiving referrals of child abuse cases and providing the necessary interventions to children and families.

4. **Good location:** The IFC is located in the centre of the island at Malabar and is accessible to everyone. Transport is also available for BPM and CDU staff which help them attend to referrals quickly.
5. **Good networking:** The CDU is supported by multiple agencies such the Ombudsperson for Children's Office, the Rodrigues Regional Assembly and civil society organisations.
6. **Availability of training:** There is ongoing training on developing skills such as listening and investigative skills provided by the Office of the Director of Public Prosecutions and Psychologists.

7. **The legal framework and political will:** The work done by the CDU is mandated by law, the Child Protection Act 1994. There is also growing political will to review the current system and bring legislative changes to improve the protection of children.

♦ Weaknesses of the child protection system in Rodrigues

1. **Lack of human resources:** Many participants pointed out the lack of human resources at the CDU. For instance, they said that there is no permanent Psychologist working for the CDU. The ones involved are not enough and are on a contractual basis. There is only one FWPO attached to the CDU in Rodrigues. Most of the time, the latter carry out home visits alone, which is a cause of concern regarding the security of the officer. The FWPO is accompanied by police officers only for specific cases. Moreover, the number of CDU officers on call is limited. A participant in the workshop perceived that Child Mentors were not being used to their full capacity. Some participants highlighted that, when there are court cases or field investigations, there is hardly anyone at the CDU office.
2. **Limited technical resources:** There is only one hotline (117) for two sections of the CDU. Calls regarding child abuse and domestic violence cases are being directed on FWPO's personal phones which can be a problem with regards to the confidentiality of the caller. Some participants mentioned about a lack of responsiveness on the hotline. Furthermore, only one transport facility is available for the Social Workers, FWPO and Psychologists, which reduces capacity for field work.
3. **Limitations with the infrastructure:** Several participants highlighted the lack of dedicated, private and child-friendly space within the CDU building for interviews with the children victims of abuse and their families. The building is also not properly fenced and there is no front desk to guide clients to the appropriate offices. The waiting room and the offices are not sufficiently comfortable and child-friendly.
4. **Lack of capacity and confidentiality issues during medical examinations:** Participants stated that there is only one Gynaecologist responsible for both daily patients and abuse cases. At times, the latter might be unavailable or might not examine children victim of sexual abuse without a formal request from the Police Medical Officer. The hospital

protocol for these children is not clear and there is no confidential and child-friendly consultation room dedicated to them.

5. **Training needs:** Most of the participants identified that they lacked exposure in and exchanges with other national and international institutions working in the field of child protection. Some of them also advanced that there was a lack of training for Child Mentors.
6. **Statistical issues:** There is no centralised system of data collection regarding abuse cases in Rodrigues and the collected data is not disaggregated.
7. **Lack of a proper protocol:** Many participants supported the fact that there is no integrated and comprehensive protocol in the handling of child abuse cases in the current child protection system. The organisational structure requires improvement in the demarcation of roles and responsibilities. This lack of structure often causes delays in the screening and work with cases. Communication among the different professionals involved can at times be complicated. There is not sufficient monitoring and follow-up within the child protection system.

6.5 Why do we need a child abuse protocol?

There is a pressing need for different stakeholders involved in child protection including statutory and non-statutory bodies to find more effective and comprehensive ways of collaboration in identifying, handling and following upon cases of child abuse. Laws and policies cannot stand on their own and they require regulations, frameworks, and clear implementation and enforcement strategies to become operational. Moreover, the Republic of Mauritius has ratified the Convention on the Rights of the Child (United Nations, 1989) in 1990, which places a commitment on the State to invest efficiently in the realisation of children's rights and to take a maximum of appropriate measures to ensure the protection of children from all forms of harm.

As matters stand, Rodrigues does not have a protocol that guides the process of referral, assessment and intervention for any case of violence perpetrated against children, except for those of child victims of sexual assault which follow a protocol of assistance as outlined in the Commissioner of Police's Circular No. 15/2006 (refer to Appendix E). It emerged very strongly in the OCO's workshop of 17-19 April 2019 in Rodrigues that a comprehensive protocol for child

abuse cases would be of great utility to all relevant stakeholders involved in child protection. A well-defined protocol acts as a useful roadmap that can

- better define the network of all stakeholders involved in child protection;
- better outline the roles and duties of the different professionals involved;
- avoid duplication of responsibilities within the child protection network;
- improve the management of financial, human and technical resources, as well as time;
- ensure the best interests of the child in all administrative, legislative, treatment and rehabilitation procedures to minimise further distress; and
- increase the efficiency of monitoring and evaluation mechanisms of the child protection system.

6.6 A Child Abuse Protocol for Rodrigues

6.6.1 Definitions and international references that apply to the Protocol

The following are some quotes from the Child Protection Act 1994, a few international references and some working definitions that can help in better contextualising the Child Abuse Protocol for Rodrigues:

6.6.1.1 Quotes from the Child Protection Act 1994

- A **'child'** is 'any unmarried person under the age of 18' (section 2).
- A **'parent'** means 'the father, mother or legal guardian of a child and includes any person in charge of a child' (section 2).
- **'Harm'** includes 'physical, sexual, psychological, emotional or moral injury, neglect, ill-treatment, impairment of health or development' (section 2).
- A **'place of safety'** means 'any place designated by the Minister, and includes a foster home, a convent, a charitable institution, an institution for children and a hospital' (section 2).
- An **'emergency protection order (EPO)'**: (1) Where a District Magistrate is satisfied by information on oath that the Permanent Secretary has reasonable cause to believe that a child is suffering or likely to suffer significant harm, the District Magistrate shall issue an emergency protection order' (section 4).

- **'Ill-treatment:** (1) Any person who ill-treats a child or otherwise exposes a child to harm shall commit an offence. (2) For the purposes of this section, any person who, in an advertisement, exploits a child by using him in such a way as is likely to cause in him or in any child watching him reactions which are contrary to morality or detrimental to psychological development shall be deemed to expose a child to harm' (section 13).
- **'Sexual offences:** (1) 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 prostitution, shall commit an offence. (2) For the purposes of subsection (1) (a), a child shall be deemed to be sexually abused where he has taken part whether as a willing or unwilling participant or observer in any act which is sexual in nature for the purposes of— (a) another person's gratification; (b) any activity of pornographic, obscene or indecent nature; (c) any other kind of exploitation by any person' (section 14).

6.6.1.2 Some international references

The *General Comment No. 13* (Committee on the Rights of the Child, 2011) provides comprehensive descriptions of the different forms of violence against children including neglect and negligent treatment, mental violence, physical violence, corporal punishment, sexual abuse and exploitation, torture and inhuman treatment, violence among children, self-harm, violence in the mass media and violence through information and communications technologies. These are included for reference in **Appendix F**.

6.6.1.3 Some working definitions

- A **joint interview** refers to an interview carried out with by a child protection professional, for instance a Child Development Unit Officer or a Family Welfare and Protection Officer, and a Police Officer trained in the investigation of cases of child abuse.
- A **soft room/corner** can be considered as a physical space which is not located on police premises and which is specially designed for child interviews. This environment should be spacious, private, colourful, comfortable and equipped with child-friendly tables and chairs, playmats, toys and refreshments. It should also allow for the video recording of all persons involved in the interview.

- A **child in need** is a child who has been identified to require support from the relevant local authorities, without the provision of which, he/she will not be able to achieve an acceptable standard of health or development. This can include a child with a specific impairment or disability. Parental consent is required by authorities to provide their services to the child.
- A **child in need of protection** refers to one who has been assessed as having suffered or is likely to suffer significant harm as a result of any form of maltreatment. Such a situation may involve the issue of an emergency protection order and/or committal to a place of safety. Parental consent can be overridden in cases where it is not in the best interests of the child.

6.6.2 *Basic principles of the Protocol*

This Child Abuse Protocol is essentially based on the four overarching principles of the Convention on the Rights of the Child, which are non-discrimination; adherence to the best interests of the child; the right to life, survival and development; and the right to be heard. Moreover, it is proposed that the processes of the Protocol must be built upon five core assumptions as illustrated below:

1. Every child is a Very Very Important Person (VVIP).

Children must be considered as VVIPs and their words should be treated seriously. Any actions involving children in the implementation of the Protocol must be sensitive to their best interests and needs. Interviews with children should be carried out in child-friendly contexts. The views of the child should be taken into account in any decisions regarding the latter.

2. The protection of children should be our Number One priority.

Children are vulnerable beings. All the necessary measures should be taken to ensure the protection of children from all forms of violence, and their safety at all times.

3. Prevention of further victimisation is a must.

Once a referral is made, our primary aim must be the prevention of any further victimisation of children. Interventions must be designed to include psycho-educational and community-based strategies that can minimise the occurrence and/or impact of abuse on children, families and communities.

4. Coordinated multi-stakeholder approaches are effective.

The strength of this Protocol must be its ability to hold together the network of multiple stakeholders involved in the child protection system. The role and responsibilities of every professional and agency involved must be clear and well-defined. The contribution of both statutory and non-statutory bodies in handling cases of child abuse must be captured within the Protocol. Multi-stakeholder approaches can improve the efficiency of screening, assessment, intervention and risk-management strategies with children and their families.

5. Good governance promotes children's rights.

All professionals and agencies involved in child protection must work with transparency and accountability. These ethical standards can help prevent institutional violations of children's rights. Financial, human and technical resources can be managed more judiciously. Every actions discussed and initiated from the referral to the closure of cases must be documented by all relevant staff in a legible, timely, factual and accurate manner. Care should be taken so that no child is stigmatised due to a lack of professional standards.

6.6.3 Procedures of the Protocol

6.6.3.1 Roles and responsibilities of agencies and relevant professionals

The Protocol will involve multiple agencies and professionals working in child protection, including but not limited to the

- Child Development Unit;
- 'Brigade pour la Protection des Mineurs';
- Probation and Aftercare Service;
- Family Welfare and Protection Officer;
- Social Worker;
- Psychologist / Clinical Psychologist;
- The Commission for Health;
- The Commission for Education; and
- The Ministry of Justice and Office of the Director of Public Prosecutions (DPP).

Appendix G provides more information on each of these agencies and professionals within the Rodriguan context.

6.6.3.2 Maintaining a Child Protection Register (CPR)

All reported cases of child abuse and neglect must be registered in an authorised Child Protection Register (CPR) and kept at the Child Development Unit (CDU) in Rodrigues. Basic information pertaining to the nature and circumstances of the alleged abuse should be recorded. Significant data would include name, age, gender, address, type of abuse and a brief statement on the personal circumstances of the victim. A secured and password-protected electronic copy of each case file shall be maintained to prevent loss of these essential information. The CPR can also include relevant data about both child and adult offenders in substantiated cases of child abuse. As a principle, any information retained on a child must be legible, timely, factual and accurate.

The data will provide a national overview on the nature and prevalence of child abuse in Rodrigues. This information is significant in the formulation of policies and programs required to provide protection to children. In the future, it is advised that the system transitions to a more highly secured and electronic database that can be accessed by all authorised professionals involved in the management of child abuse cases.

6.6.3.3 Referral and preliminary assessment

1. Referrals of alleged cases of child abuse and neglect can be made in 3 ways through:

- i) calling the CDU Hotline Service (117);

- ii) contacting the CDU's office directly (on phone or in person); or
 - iii) a referral to the CDU made by another agency.
 2. The officer must refer to the CPR to verify whether this referral is a new or existing case of child abuse.
 3. The officer receiving the referral should ensure that the following basic information are collected as far as possible:
 - i) The name, age, date of birth, address and gender of the child(ren) that is being reported about.
 - ii) The parents' names, addresses, and phone numbers.
 - iii) Who does the child live with?
 - iv) What is the perpetrator(s) relationship with the child?
 - v) Particulars pertaining to the Perpetrator's address, phone number.
 - vi) Where is the child(ren) at present?
 - vii) Is the child(ren) currently safe?
 - viii) The name of the school attended by the child(ren).
 - ix) The concerns of the informant.
 4. This data collection also serves as a preliminary risk assessment so that the officer could evaluate immediate safety concerns and initiate appropriate emergency actions, if necessary, at this point.
 5. The officer documents the information provided during the call and reviews the allegations prior to initiating any further action.
 6. If the case falls under the mandate of the CDU, the officer will initiate an in-depth assessment and take appropriate actions. If no, the case shall be referred to the concerned authorities.
 7. First hand counselling and advice is provided by the officer receiving the complaint.
 8. The person reporting the case is informed about an estimated time frame for the intervention.
 9. A standardised referral sheet is filled by the officer following the conversation with the informant and a case file for the child is opened. This referral sheet for Rodrigues shall be the same as the one used in Mauritius so that consistency in the information collected about child abuse cases is maintained in both countries.
-

6.6.3.4 Investigating an alleged case of child abuse

Actions following the report of an alleged case of child abuse should be initiated immediately. A full inquiry should be accomplished ideally within thirty days. In the event it is found that a criminal offense has been committed against a child, the matter should be referred to the Police so that a criminal inquiry can also be initiated. In the case of child sexual abuse, joint and comprehensive investigations should be carried out by the Police and the Family Welfare and Protection Officer of the CDU. For the purpose of a full assessment:

1. Firstly, a risk assessment should be completed by the officer before doing any home visits and the necessary assistance should be requested (e.g. being accompanied by a second officer or a Police Officer).
2. It is important to gather as many perspectives as possible during the inquiry. Interviews must be conducted by the relevant child protection officers in different settings with multiple individuals including the child, the alleged perpetrator (parent or non-parent), the non-offending parent/guardian and any other relevant people to the case such as close relatives, neighbours, hospital staff or the school personnel.
3. The interviews should allow for a full risk assessment of the child's situation. Different scenarios may arise, for instance:
 - a. In the case of any suspected criminal activity/conduct, the Police should be contacted.
 - b. If the child is injured, he/she should be accompanied to the hospital. A Police Form 58 should be issued accordingly.
 - c. In cases where a parent is the perpetrator, the child gives his/her statement to the police in the presence of the CDU Officer.
 - d. In all cases where a child gives a statement to the Police, all necessary assistance to the child should be facilitated by the CDU Officer.
 - e. In evidence of significant harm caused to a child, the CDU may
 - i. Remove the child from his family and identify close kins or relatives who may accept to take the child's responsibility; or
 - ii. Remove the child if he/she is in immediate danger, following an Emergency Protection Order, and bring the child to a place of safety.

4. The child should be interviewed in a soft room with child-friendly facilities. This should be carried out with child protection professionals who are knowledgeable in child psychology and have appropriate child interviewing skills.
 5. The child is referred to the Psychologist / Clinical Psychologist for psychological assessment and support.
 6. The case is referred to the Social Worker for further social inquiry.
 7. In the case of a reported case of child sexual abuse:
 - a. A joint investigation comprising of a CDU officer, typically the Family Welfare and Protection Officer, and a Police officer trained in child sexual abuse inquiries should be carried out. The presence of a Psychologist / Clinical Psychologist is also recommended. This is necessary to avoid repeat interviews with the child and minimise the latter's distress, and to share important information and courses of action relevant to the case. The following are some key considerations when conducting joint interviews:
 - i. Age-appropriate language should be used with the child.
 - ii. Interviews should be conducted in a soft room.
 - iii. The child's verbatim statements should be recorded.
 - iv. The police officer should be dressed in casual clothing and without their weapon.
 - v. There should be one lead interviewer. During the interview, if the child appears more responsive to the non-lead interviewer, the lead should be changed.
 - vi. Interviewer aids such as drawings, pictures, dolls and toys may be used if necessary.
 - vii. Interviewers should be mindful of the attention span, nutritional requirements and other bodily functions of the child.
 - viii. The Interviewers should present themselves and all other persons present in the interview room.
 - b. The Protocol on child sexual abuse as per the CP Circular (15/2006) must be implemented.
 - c. It is recommended that medical examinations are carried out by a Forensic Medical Officer trained in working with child sexual abuse cases.
-

- d. According to this Protocol, the CDU is required to investigate the needs for protection of the child and provide assistance accordingly, while the Police is mandated to investigate into the criminal aspect of the case as per the Criminal Code 1838. Criminal conducts include child abuse, neglect and also depriving a child of basic necessities. The purpose of police involvement is to initiate the criminal inquiry.

6.6.3.5 Elaborating a care plan

A case conference with all the relevant agencies and stakeholders should be organised by the CDU in which the following processes are carried out:

- a. CDU Officers involved in the case must provide a written feedback on all actions initiated since the referral of the child to the CDU.
- b. The Social Worker must present the social enquiry report of the case which includes the assessment of the family conditions and functioning and the associated risks for the child.
- c. The Psychologist / Clinical Psychologist should present an assessment report on the identified psychological needs and recommendations for the child.
- d. A full medical screening report of the child should also be provided to assess whether the child has any physical conditions that have to be taken into consideration.
- e. Any other stakeholder who is directly involved with the child such as a residential care centre manager or a school teacher may be invited to provide additional updates on the case.
- f. The presented information from multiple stakeholders must be discussed and reviewed and a concerted individualised care plan must be agreed for the child. Appropriate arrangements should be made so that the views of the child or young person are integrated within this process.
- g. The plan may involve:

- i. the transfer of the child to an alternative care placement (residential care or foster care);
- ii. the issue of a mentoring order from the Court;
- iii. the provision of further psychological follow-up; or
- iv. procedures of reintegration within their biological family following family counselling with the child and the parents/guardian.

6.6.3.6 Case follow-up and closure

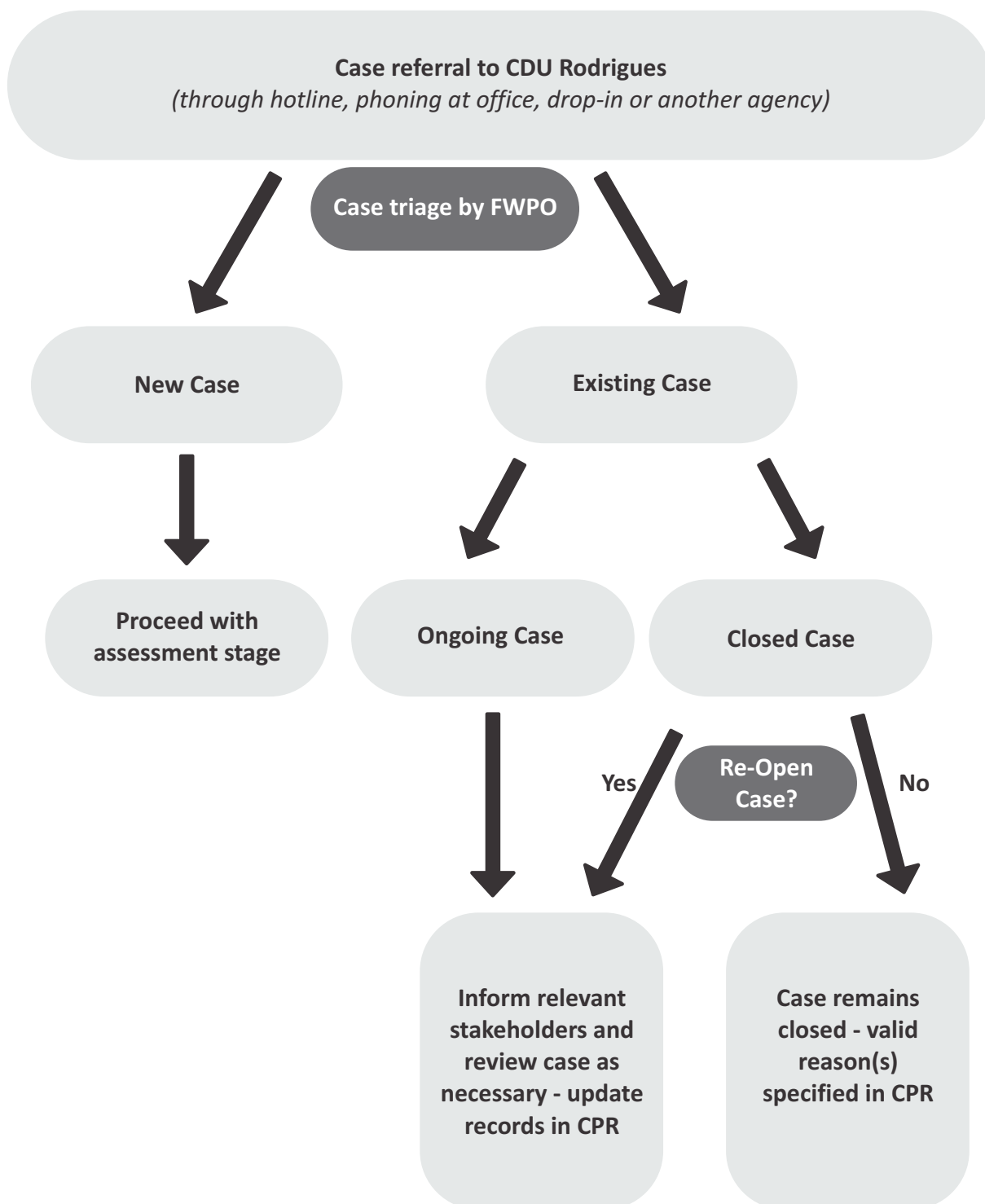
Every 6 months, multidisciplinary and multiagency case conferences must be organised to discuss on the progress of the case. This will mainly involve reassessing the family's ability to ensure the safety, protection and rights of the child. If issues are identified, the care plan will be reviewed and new courses of action will be proposed in the best interests of the child. Otherwise, the case will be closed and the reason for the closure will be documented and communicated to all stakeholders involved. The processes of follow-up and closure need to be accompanied with a proper record-keeping and feedback system, whereby any case updates are documented manually and/or electronically in a timely manner so that they can be accessible to all relevant stakeholders.

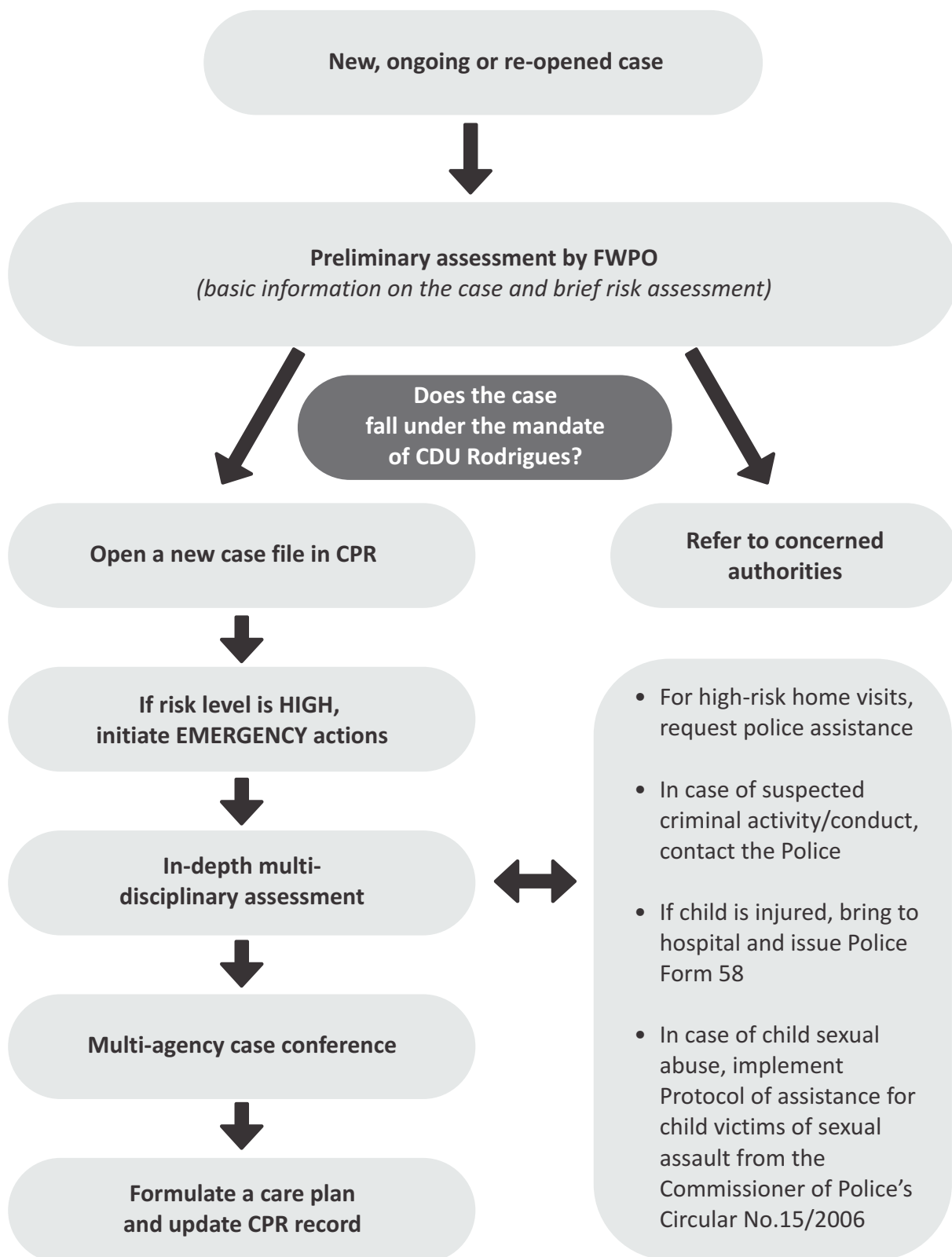
6.6.4 Protocol flowcharts

The following pages contain flowcharts for the Child Abuse Protocol related to the explanations given in subsections 6.6.3.1 to 6.6.3.6 of the present document. These illustrations represent three main stages of handling cases of child abuse, which are the

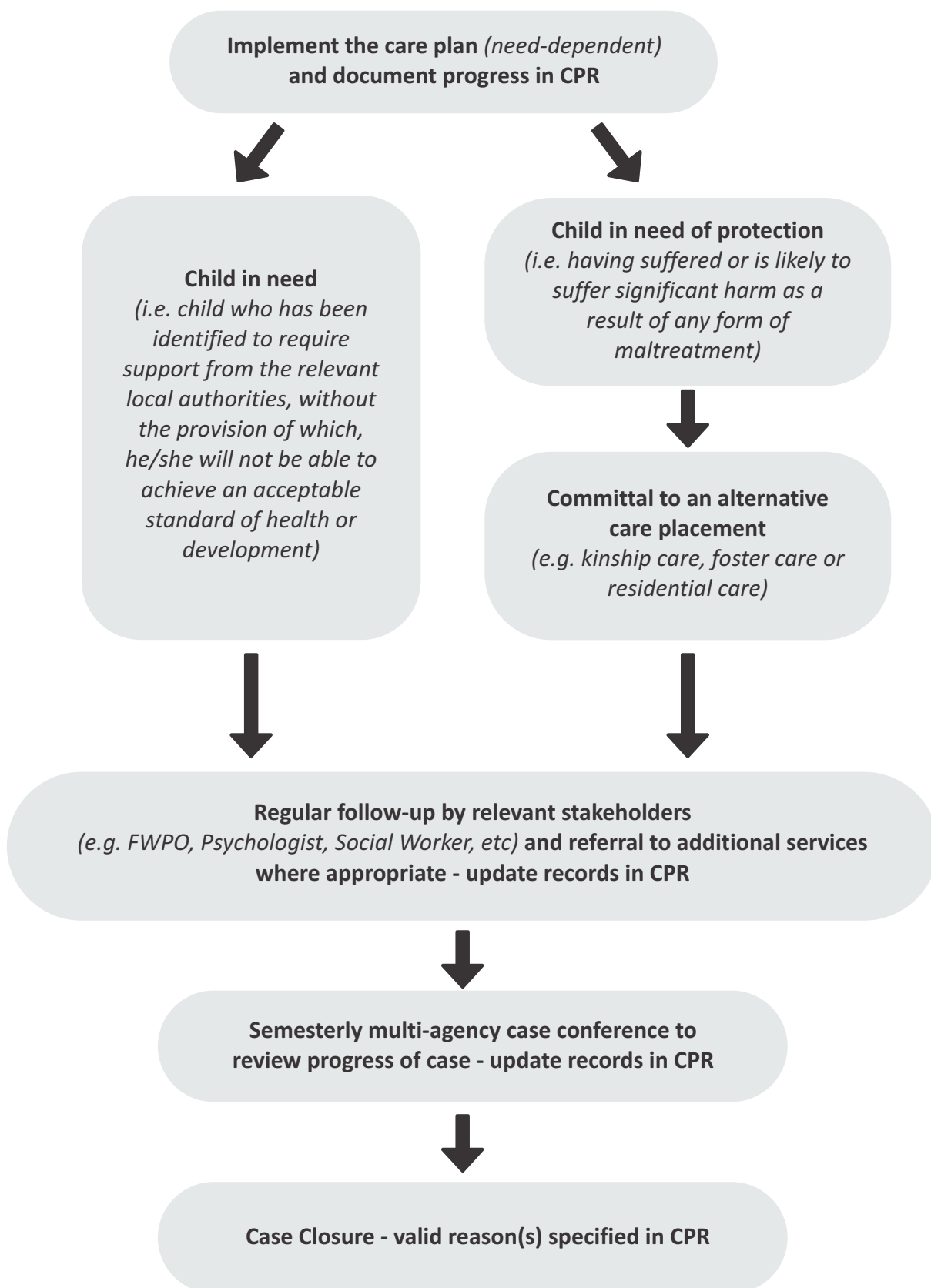
- 1. triage stage at the point of referral;
- 2. the assessment stage; and
- 3. the intervention stage.

6.6.4.1 Triage stage at the point of referral





6.6.4.3 Intervention stage



6.7 Recommendations

6.7.1 Short-term recommendations

1. **Better transport logistics for CDU Rodrigues:** Currently, only one transport facility is available for the Social Workers, FWPO and Psychologists of the Integrated Family Centre (IFC), which reduces their capacity for field work. It is advised that a second transport facility is made exclusively available to CDU (Rodrigues) for them to be quicker at intervening on cases of child abuse and better service delivery.
2. **Recruit additional human resources:** A permanent Psychologist/Clinical Psychologist's post should be created for CDU Rodrigues. More Family Welfare and Protection Officers (FWPO) should be recruited into this unit to improve the timeliness, safety and effectiveness of their field interventions with children and families. An increase of human resources will also allow CDU Rodrigues to ensure that at least one CDU officer is always present during working hours to receive any referral made by phone or in person at the IFC. Outside working hours, the hotline (117) must be used.
3. **Improving the 117 Hotline Service:** The hotline number should be used for child abuse cases only. A different hotline number must be created for reporting of domestic violence cases. Diverting calls to the personal mobile phones of CDU officers should be stopped for confidentiality purposes. Two dedicated office mobile phones can be provided to at least two CDU officers at any given time to ensure 24/7 coverage of the hotline.
4. **The IFC as a single point of entry for case referrals:** All referrals of potential cases of child abuse should be re-directed to the IFC, which acts as the main body responsible to triage such cases. This will ensure that no referrals fall into the gaps and that appropriate services are provided to the child victim and his/her family. The waiting room of this facility should be upgraded to look more welcoming and child-friendly.
5. **Mandatory reporting:** The Child Protection Act 1994 or the new Children's Bill must be reviewed to provide protection from liability to ALL professionals working with children including Clinical Psychologists and Social Workers so that they can report on cases of suspected child abuse without fear of retaliation. Whistle-blowers from the public must also be ensured anonymity and protection by law.

6. **Providing international exposure to child protection officers:** A lack of international exposure was identified as a shortcoming among frontline child protection officers during the Rodriguan workshop (17-19 April 2019). Such exposure will not only improve the knowledge of these practitioners, but it can help in nationally enhancing the quality of service delivery in child protection in Rodrigues. It is proposed that a multi-disciplinary group of Rodriguan officers involved in child protection would benefit from international study tours. The objectives of these tours can be to
- i) increase the knowledge of participants on the protocols and coordinating frameworks of child protection overseas;
 - ii) understand the synergies of multi-disciplinary working in overseas health and social services in the management of child abuse cases; and
 - iii) develop the participants' capacity to work in teams on child abuse cases and apply these skills in their local context.

6.7.2 Long-term recommendations

1. **A centralised and secured electronic data system:** In the existing child protection system in both Mauritius and Rodrigues, data are currently collected manually, and then fed into an electronic register. There is no guarantee that this data is being recorded in a harmonised and consistent way. It is recommended that an electronic and highly secure centralised database that can store all pertinent and relevant information on child abuse cases be set up for the Republic of Mauritius. Such information technology (IT) systems exist in different organisations across the world such as the SystmOne in the National Health Service of the United Kingdom.

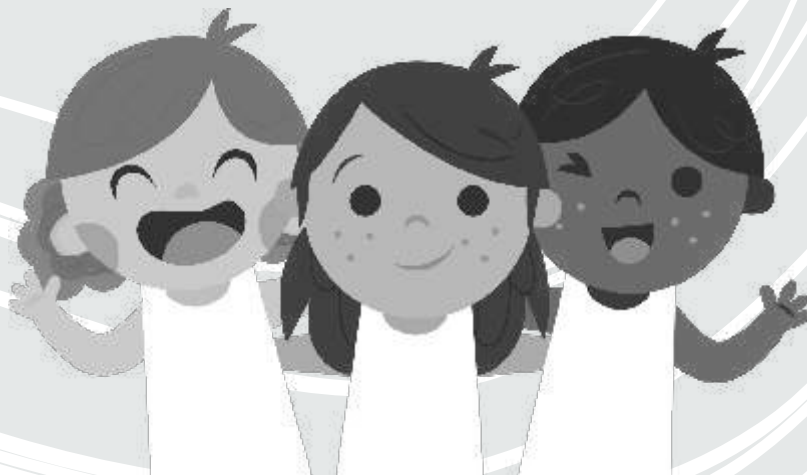
Such an electronic database will have the advantage of securely linking authorised agencies (e.g. health, mental health, education, social, child protection, police, etc) to the same system so they can view and update information on any child abuse case that they may be involved with. It will be possible for all relevant stakeholders to track the progress of cases, and case follow-ups can greatly improve. It will provide information on patterns and trends in cases of child abuse and neglect that can be used to improve existing child protection

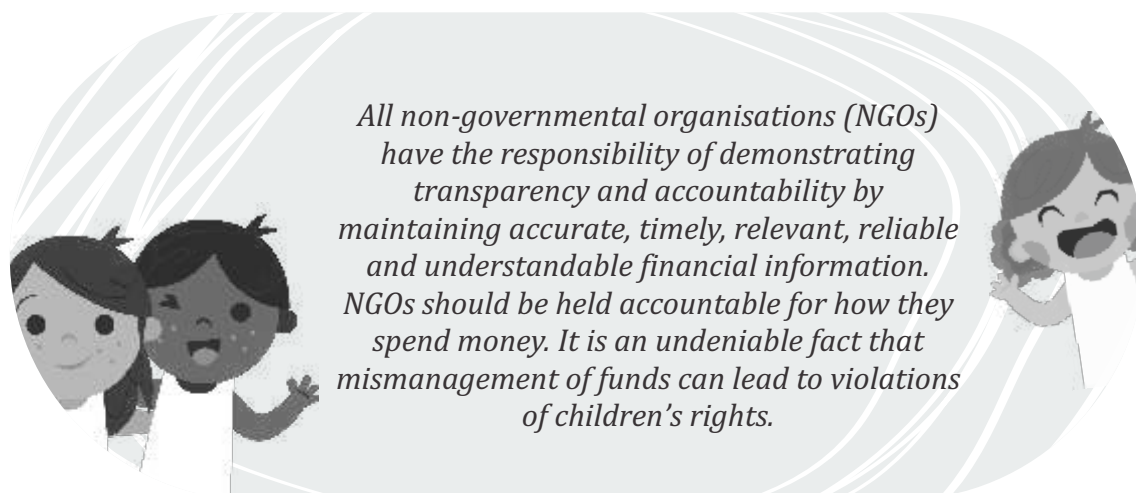
policies for the Republic of Mauritius. Such a system will first have to be consistent with the IT and data protection laws of the country. The necessary law reforms may have to be proposed to allow such a system to operate within our Republic.

2. **An integrated approach to service access for child victims of abuse:** The child protection service in Mauritius needs to inspire itself from the 'one-stop-shop' concept of the IFC in Rodrigues. It is recommended that all CDU outstations are turned into integrated zonal child protection hubs that can gather under the same roof at least one representative from all relevant main agencies involved with child protection. This can improve the efficacy of multi-agency communication in both routine and emergency cases of child abuse.
3. **A Children's Court:** As previously recommended in the Annual Report 2017-2018 of the Ombudsperson for Children's Office (2018)³⁰, a Children's Court with a panel of lawyers, clinical psychologists, sociologists, medical officers and family support officers among others dedicated to cases involving children should be established. This Court should be able to:
 - fast-track delicate child abuse cases to establish evidence in a timely manner;
 - provide emotional support and psychologically prepare child victims and witnesses for court processes;
 - provide child-friendly activities in the court premises as well as assistance to children with disabilities;
 - ensure that there is no direct contact between child victim/witness and the alleged perpetrator at any point in the judicial process; and
 - provide safeguards to protect the privacy and identity of child victims and witnesses.
4. **Creation of the role of a Child Advocate:** Professionals could be recruited as 'Child Advocate' to primarily provide assistance to child victims through Court procedures and ensure that their rights are being respected at all times as per the Convention on the Rights of the Child (UN, 1989).

³⁰ 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 May 2019 from oco.govmu.org/English/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf

CHAPTER 7:
UNETHICAL PRACTICES
BY THE MANAGING
COMMITTEE OF THE
X Y
ORGANISATION





7.1 Introduction

On 11 July 2018, the then Minister of Gender Equality, Child Development and Family Welfare, Mrs Roubina Jadoo-Jaunbocus, proceeded with the closure of two residential care institutions (RCIs) managed by the X Y Organisation (XYO), namely Shelter H and SR. This initiative was precipitated by serious allegations made to the Ministry against this organisation. Despite resistance from the XYO's Director, fifty children residing in these two RCIs were relocated overnight upon Court orders to eight other RCIs under the supervision of the Police. This situation attracted considerable attention and scrutiny from various governmental and non-governmental actors, the civil society and the media.

It is important to understand that, according to the Child Protection Act 1994 of the Republic of Mauritius, the Ministry responsible for children has the power to designate any place including a foster home, a convent, a charitable institution, an institution for children or a hospital as a 'place of safety'. In the case of the XYO, the then Minister of Gender Equality, Child Development and Family Welfare had grounds to believe that the RCIs of this organisation were no longer safe for children and she consequently stopped their operation.

In the present chapter, I firstly provide some context on the services managed by the XYO and highlight some notable changes to its service delivery over the past few years. I secondly describe the objectives, methods and specificities of my office's investigation in this case. I then evaluate a number of areas of concern that were identified during this inquiry and I finally provide some recommendations.

7.2. A brief overview of the XY Organisation

The XYO is a non-governmental organisation (NGO) founded in November 2008. In April 2012, it opened its first RCI located in Plaines Wilhems, which was financed through a capitation grant from the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW). The XYO operated two further RCIs for girls in distress, namely Shelter H in Curepipe and Shelter H in Belle Rose, in July 2013 and December 2013 respectively, under Management Services Contracts³¹ with the MGECDFW. Initially, the MGECDFW allocated funds to the XYO on an annual basis for the operation of the government-owned RCIs. However, disbursement of these funds was reduced to a monthly basis in April 2014. Shelter H was closed in 2017 by the then Minister of Gender Equality, Child Development and Family Welfare, Mrs Fazila Jeewa-Daareewoo, due to evidence of physical abuse inflicted upon some children.

In July 2013, the XYO had also opened a school in Phoenix known as the 'K L Centre' (KLC). It applied for registration as a Special Education Needs School (SENS) from the Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHRTESR) in August 2013. The aim of this school was stated as "to cater for the needs of children residing in the two shelters." Provisional one-year registration was granted to the KLC in October 2014. Following expiry of this provisional registration in October 2015, the KLC's registration was renewed on a biannual basis as from January 2016. From October 2015 to December 2015, the KLC had been in operation without any formal registration.

As at June 2018, 26 girls resided at Shelter H and 24 girls in S R Centre, out of which 10 and 16 girls respectively were admitted to the K L Centre. The remaining children attended other schools of the locality.

Since 2012, there have been ongoing concerns identified with the XYO, which have been reported in numerous documents including field visit reports of the Child Development Unit

³¹ A Management Services Contract can be awarded to a private service provider to manage government-owned shelters/RCIs. Both parties are bound to comply with a Memorandum of Understanding (MOU). The service provider will be responsible for the daily management of the shelters, the bookkeeping of the income and expenditures of the shelters, the recruitment of the necessary personnel, the provision of required necessities to child residents and their protection and safety.

(refer to subsection 7.4.5) and the Ombudsperson for Children's Office (OCO; refer to subsection 7.3.3.1), the Fact-Finding Committee report on RCIs/shelters for children (Vellien et al., 2015)³², audit reports of the National Audit Office (NAO; 2016³³, 2017³⁴) and a compliance letter to the XYO from the Registry of Associations dated 15 December 2014. Actions against the XYO had been mild until the closures of one of their RCIs in 2017 and the remaining two RCIs in 2018.

7.3. The OCO's investigation

7.3.1 Objectives

Following the closures of the RCIs managed by the XYO, I opened an own-motion investigation on 13 July 2018, pursuant to section 7(1) of the Ombudsperson for Children Act (OCA) 2003, with the following objectives:

1. To evaluate whether any violation of children's rights have been committed by the XYO;
2. To take stock of whether the actions of the authorities taken against XYO were appropriate; and
3. To verify whether the ex-residents of the XYO are willing to stay in their new placements.

7.3.2 Method

Section 7(2) of the OCA 2003 confers upon me several powers for the purposes of an investigation, for instance I can

- (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;
- (e) record the statement of any person in connection with an investigation;
- (g) summon witnesses and examine them on oath; and
- (h) call for the production of any document or other exhibit.

³²Vellien, H.D., Grenade, C. & Rajiah, S. (2015). *Report of the Fact-Finding Committee on Residential Care Institutions/shelters for Children*. Retrieved on 13 September 2018 from gender.govmu.org/English/DOCUMENTS/FACT%20FINDING%20COMMITTEE%20REPORT.PDF

³³National Audit Office (2016). *Annual Audit Report 2015-2016: Audit Report – Mauritius*. Retrieved on 13 September 2018 from nao.govmu.org/English/ReportsandPublications/Pages/Annual-Report-Year-2017-Mauritius.aspx

³⁴National Audit Office (2017). *Annual Audit Report 2016-2017: Audit Report – Mauritius*. Retrieved on 13 September 2018 from nao.govmu.org/English/ReportsandPublications/Pages/Annual-Report-Year-2017-Mauritius.aspx

It is also important to add that non-attendance to summons at the OCO, refusal to share requested information or documents and misbehaving at a summon are considered offences as stated in section 11(A) of the OCA 2003:

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.

Within this legal framework, different techniques were employed to gather information about the circumstances around the closures of the two RCIs managed by XYO. These included:

- Call for files from the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW), the Ministry of Education and Human Resources, Tertiary Education and Scientific Research (MEHRTESR), the Registry of Associations (RoA), and Ministry of Labour, Industrial Relations, Employment and Training (MLIRET);

- Call for files from the X Y Organisation (XYO);
- Individual and group meetings with all children who formerly resided at XYO;
- Convocation of all staff of XYO including the Director and the RCI Manager;
- Convocation of members of the Managing Committee of XYO;
- Convocation of a representative of the Registry of Associations(RoA);
- Convocation of the Permanent Secretary of the MGECDWF, the Acting Deputy Permanent Secretary, the Head of the Child Development Unit, and Office Management Executives;
- Visits to the children in their new placements;
- A two-day workshop with the children to help them express themselves about their experiences; and
- Reviews of press articles about XYO.

7.3.3 Specificities of the OCO's investigation in relation to the case of XYO

7.3.3.1 The OCO's investigations since 2015

Before discussing the areas of concern that were identified during the OCO's present investigation, it is important to note that, since 2015, following surprise visits to the RCIs of XYO, the OCO has been highlighting issues regarding some malpractices at this organisation to the concerned authorities. A brief overview of the issues and actions taken are provided in Table 6 below.

Table 6. *Issues and actions taken by the OCO since 2015 regarding concerns related to XYO*

DATE	ISSUES	ACTIONS TAKEN BY OCO
09 April 2015	Several problems were identified including children's reports on being victims of corporal and humiliating punishment; insufficient basic necessities provided (e.g. hot water, toothpaste, etc.), verbal abuse by the Director; the Director entertaining privileged relationships with some residents and taking them to her home; and a lack of assessment before transferring children from mainstream schools to the KLC.	A report highlighting these issues was sent to the Permanent Secretary of the MGECDWF for appropriate actions at their end.

DATE	ISSUES	ACTIONS TAKEN BY OCO
16 April 2015	Various issues with the KLC were identified with regards to lack of assessment of children on admission to the KLC, staffing problems and the National Curriculum not being followed at the school among others.	A report highlighting these issues was sent to the Permanent Secretary of the MGECDFW for appropriate actions at their end.
22 April 2015	Food served to the children of the RCIs of XYO was of poor quality.	The OCO advised the Ministry of Health and Quality of Life to send a Health Inspector and a Nutritionist to carry out an inspection on the quality of food served at the RCIs.
17 April 2017	Instances of poor management and a lack of awareness on how to take care of children with abuse histories were observed during a visit at Shelter H by the OC and an Investigator. These included problems with the carer-child ratio, where one carer was present for a group of 16 children including a pregnant teenager; the carer had a stick in her hand; the RCI was overcrowded; children victims of sexual abuse sharing beds with other children; and carers sleeping on mattresses on the floor (poor work conditions), among others.	Authorities were alerted through an investigation report for appropriate actions. Recommendations with regards to the rights of children living in residential care institutions were also detailed in a dedicated chapter in the OCO's Annual Report of 2016-2017, as summarised in subsection 7.4.6.3 of the current document.
13 July 2018	The two RCIs managed by XYO are closed by the MGECDFW on 11 July 2018.	The OC opens an own-motion inquiry

7.3.3.2 Important points to consider when interviewing children

The case of XYO has been particularly complex to investigate. Listening to the voices of children who had resided in the two RCIs of XYO could NOT have formed the SOLE BASIS of the whole investigation. Although it is CRUCIAL to listen to and understand the children's lived experiences, it is also ESSENTIAL to put their words into context. Various potential factors can influence a child's account of a situation, for example,

1. the effects of peer pressure;
2. suggestibility whereby the child may feel under pressure from other people, especially those possessing authority or power over the child, to respond or act in a certain way;
3. in-group dynamics within institutions that can push younger children to imitate the words or behaviours of older or more authoritative children;
4. being moved away from the RCI which might replicate the trauma and anxiety that the child experienced when he/she was removed from his/her family;
5. difficulties with undergoing changes and transitions;
6. difficulties with forming healthy attachments with adults which may result in behaviours such as being overly clingy to adults despite maltreatment;
7. intense emotions such as anger and fear; or
8. the child's level of maturity and discernment on what is good or bad for them.

Hence, it was **important to build a comprehensive picture of the situation from the perspectives and observations of multiple key stakeholders and from relevant documentation**. This process demanded time and numerous checking and counterchecking of data. Moreover, since the present investigation was carried out following the closure of the RCIs, this had limited the cross-verification of children's and staff's comments with actual observations. We therefore gave particular importance to analysing the similarities identified among children's comments. We assumed that if an experience was shared more or less similarly by a majority of children when they were interviewed individually, it was likely to be closer to the truth. **In simpler terms, one child can lie, but fifty children cannot lie on the same issue**. It was also necessary to meet children at different points in time to identify any changes in how they described their experiences.

7.3.3.3 Obstacles encountered during the current investigation

Two major obstacles delayed the course of our investigation. Firstly, on 31 July 2018, the daughters of the Director of XYO informed the XYO that their mother will not be able to answer any queries as per her doctor's advice due to suffering from anxiety, depression, headaches, sleep disturbances and other mental health difficulties. Secondly, the OCO requested several times to the Managing Committee of XYO to produce important documents such as their Minutes of Proceedings and cash books for verification and they have not done so. The President of the Managing Committee, who is also the Director of the XYO, had gone abroad at the time and was not available to answer queries from our office. The other members of the Managing Committee did not know where the documents were and did not seem knowledgeable on the financial affairs of the organisation. How can a Managing Committee of an organisation handling an annual budget of around Rs 10 million not possess any readily available financial records? In 2015, the MGECDFW encountered a similar barrier while doing their report on XYO, whereby not all documents requested were provided by the Director of XYO.

7.4. Areas of concern

The following sub-sections describe the pertinent areas of concern that were identified during the investigation. They are classified under six main categories as follows:

1. Unethical practices within the management of the XYO;
2. The voices of children formerly residing at the RCIs of XYO;
3. Child rights issues at the two RCIs of XYO;
4. Child rights issues at the Transformative Learning Centre of XYO;
5. Problems highlighted by the Child Development Unit on XYO; and
6. Systemic factors that may have maintained malpractices at the XYO.

7.4.1 Unethical practices within the management of the XYO

7.4.1.1 Gross lack of good governance within the Managing Committee of XYO

A Managing Committee can be considered as a group of individuals who are held accountable for the affairs of an organisation. Typically, the elected members serve in the Committee on a voluntary basis and derive no financial benefits from the organisation. They undertake

important responsibilities such as the planning of events, programs and services of the organisation, the recruitment of appropriate personnel, making financial decisions and keeping up-to-date books and statement of accounts for the organisation among others. To operate effectively, a Managing Committee should incorporate good governance that favours responsiveness, transparency, responsibility and accountability in their processes.

With regards to children's organisations, the United Nations Children's Fund (UNICEF; 2011)³⁵ emphasised the importance of good governance as a safeguard to the realisation of children's rights and as a way of strengthening child sensitive institutions to *"better deliver services for children; [provide] children, girls and boys, and those that work to promote their interests, with opportunities to have a voice in decision-making; influence the political and economic levers of power; and hold their leadership accountable for the achievement of child-focused outcomes"*.

During the OCO's investigation on XYO, many instances of malpractices and bad governance within their Managing Committee were found, as described below:

1. In a copy of the Annual Return for the Accounting Period ending 31 December 2017 of the XYO which was provided to us by the RoA, our Investigators found a list of Office Bearers of the Managing Committee of the XYO in which **eight out of the ten members were close family members**. In 2015, the MGECDWF also found that the Centre Manager and the Executive Officer of Shelter H were closely related to the Director of XYO. They even noted the shortcoming that there was no provision in the Management Services Contract to declare conflict of interest when an organisation is employing a close relative to provide a service especially at high posts. Similarly, the Fact-Finding Committee on RCIs/shelters for children (Vellien et al., 2015) reported that the Managing Committee of the XYO resembled a *"family business"* (section 8.4(i)) based on records dating back to 12 January 2011. Despite evidence, the Director of XYO kept denying the fact that a disproportionate number of the members of the XYO's Managing Committee were her relatives. The XYO had maintained this malpractice within their Committee for all these years and this matter appeared to have not been adequately followed up by the concerned stakeholders.

³⁵United Nations Children's Fund (2011). *Child Rights and Governance Roundtable: Report and Conclusions*. London: Innocenti Research Centre. Retrieved on 13 September 2018 from www.unicef-irc.org/research/pdf/crandg_report_eng.pdf

Furthermore, according to article 5(6) of the Rules of Association (Ministry of Labour, Industrial Relations, Employment and Training [MLIRET], n.d.)³⁶, “*any member who is also an employee of the Association shall not be allowed to stand as candidate to the Managing Committee*”. **Seven out of 10 members of the Managing Committee of XYO were employees of this organisation**, thus breaching the said rule. This was also pointed out by the RoA in December 2014 whereby all members of the Managing Committee except the Secretary were employees of this organisation, but no remedial actions were taken by the XYO and no follow-up was carried out by the relevant authorities. **The composition of this Committee with the majority of members being family members and employees of the organisation indicates serious problems with the transparency, accountability and impartiality of decision-making within XYO.**

2. It was found that the President of the Managing Committee of the XYO, was also the Director of their RCIs and the Manager of the K L Centre of the organisation. When other members of the Committee were convened to the OCO, they stated that most (if not all) of the decisions of the XYO were taken by the Director of XYO and they did not use consensual or voting approaches to decision-making. This is a breach of their Rules of Association which stipulates that “*decisions at Managing Committee meetings shall normally be by consensus, or otherwise by a majority vote*” (Article 5, paragraph 18). **One person monopolising the operations of an organisation is an obvious threat to good governance and the safeguard of children’s rights.** The Director of XYO should have been well aware that the Management Services Contract is signed between the Managing Committee of the XYO and the MGECDFW and that decisions she takes alone do not reflect the organisation’s position.

In 2015, Vellien et al.’s report had pointed out that the XYO drew cash cheques of rather big amounts to the name of the Director of XYO for the purchase of food rather than to the order of the supplier – a highly unethical practice. In our current

³⁶Ministry of Labour, Industrial Relations, Employment and Training (n.d.) *Registry of Associations: Application for Registration of Association - 2.1 Association with no minors*. Retrieved on 13 September 2018 from labour.govmu.org/English/Downloadable%20Forms/Pages/Downloadable%20Forms.aspx

investigation, it was also appalling to hear from some members of the Managing Committee of XYO that **the Director used to retrieve large sums of cash monthly to distribute salary among her staff without keeping evidence of receipts**. There was no proof available that this money had actually been solely used for salary payments. According to the Rules of Associations, any payments exceeding Rs 100 should be effected by cheques and this was not being respected by XYO as highlighted by the Registry of Associations. There should have been more scrutiny and supervision on how funds provided to the XYO were being spent.

3. Based on articles 3(b) and 3(c) of Registration of Association Regulations 1979, the XYO qualifies as a 'large association' for having assets whose value as at date of the last accounting period exceeds 100,000 rupees and for having an annual revenue during the two consecutive years immediately preceding the last accounting period that exceeds 8,000 rupees respectively. As per section 9 of these Regulations, *"no person other than a qualified accountant or a firm of qualified accountants shall be appointed auditor of a large association without the approval of the Registrar."* We discovered that the Auditor appointed by the organisation was not a Certified Chartered Accountant and was not registered with the Mauritius Institute of Professional Accountants. Article 13(2) of the Rules of Association (MLIRET, n.d.) provides that *"the auditor(s) need the approval of the Registrar of Associations, if he/they is/are not professionally qualified"*. The Auditor of the XYO did not have any such approval from the RoA, thus not conforming with the law.
4. The OCO sent a letter dated 05 October 2018 to the XYO to request for copies of the Minutes of Proceedings of meetings carried out by the Managing Committee. The verification of these minutes would have allowed the OCO to understand how the process of decision-making was conducted within the XYO. None of these documents have been produced to the OCO by any members of the Committee despite several reminders. As clearly stipulated in articles 15(2) and 15(3) of the Rules of Association of the XYO, *"the books shall be **open to inspection to any person** having an interest in the funds of the Association"* and *"all books and documents shall be kept at **the seat of the Association**"* respectively.

The members of the Committee claimed that they thought the minutes were ‘lost’ during the closures of the RCIs. During a summon on 08 January 2019, the Director said that she was not aware where the ‘boxes containing all the records/documents’ were. It appeared that members of the Managing Committee hardly ever met formally to discuss the affairs of the organisation. **This Committee seemed to operate as a ‘phantom’ Committee whereby the members were merely names registered on paper and did not operate as per the Rules of Association (MLIRET, n.d.) set by the Registry of Associations (RoA).**

5. On 19 September 2018, the OCO summoned the **Vice-President** of the Managing Committee of XYO. Upon asking, he could not state the names of any other members of the Committee. He also did not seem to know the affairs of the organisation and the difficulties at the RCIs of the XYO. He claimed that he thought ‘everything was fine’. During another summon to the OCO on 08 January 2017, he stated that he was not aware how his name was being used and was not involved in any decision-making procedures of the Managing Committee.
6. Furthermore, the **Treasurer** of the Managing Committee of XYO was convened to the OCO on 26 September 2018. He reported that he was **not involved in the financial matters of the organisation** which was taken care of by the Director of XYO and her daughter who is also the Assistant Treasurer on the Management Committee. On her part, the Assistant Treasurer told the OCO that she had stepped in because the Treasurer was ‘unavailable’. As for the Treasurer, he stated that he had no knowledge of the books or statements of accounts of the XYO. Paradoxically, we noted on a financial statement shown during the investigation that Rs 10,000 was regularly credited to the Treasurer’s name from the account of the XYO. He argued that he was given this money to pay for ‘travel expenses’ for coming to meetings at the XYO. Another member of the Committee confirmed that the Treasurer received this amount monthly from the XYO. This raises concerns regarding the following:

- a. **The duties of the Treasurer within a Managing Committee:** As per article 12 of the Rules of Association (MLIRET, n.d.), the Treasurer has several

responsibilities including “[having] the custody of all the accounting books and records of the Association; [preparing] the statement of accounts; in conjunction with the President, [signing] all cheques, deeds and other documents of the Association.” The Treasurer claimed that he did not have any of these documents in his possession. He even alleged that the signature on an annual return was not his, which could be a matter of forged signature. Also, according to the rules, the Assistant Treasurer is only permitted to replace the Treasurer and exercise the same powers and rights “in case of absence of the Treasurer” only. **The Treasurer of XYO was not absent from the organisation, so there were no grounds for the Assistant Treasurer to step into his duties.**

- b. **Remunerating the Treasurer:** The Treasurer was being paid monthly by the organisation and, as mentioned earlier, article 5(6) of the Rules of Association prohibits (MLIRET, n.d.) the remuneration of any member of the Management Committee. Moreover, Article VI of the Memorandum of Understanding between the XYO and the MGECDWF clearly states that, “the Ministry shall refund expenses related to the running of the Shelter...[including] the salaries and travelling expenses of staff”, not of Committee Members. Besides, the payment given to the Treasurer exceeded the salaries of some full-time employees of the XYO and was higher than the national minimum wage in the Republic of Mauritius.

7. During the investigation, we also found an example of **unexplained expenditure at the XYO**. In its last two annual returns, we saw an item called ‘Accountancy Fees’ that amounted to Rs 140,000 in 2016 and Rs 264,000 in 2017. Given that the Auditor told the OCO that he was providing his services for free, we enquired further on these expenses. the Director of XYO provided confusing answers. She firstly said that she paid the Treasurer this money. However, the Treasurer was being paid Rs 10,000 a month, which could not have totalled more than Rs 120,000 for one year. She then admitted that she was paying the Treasurer from the Capitation Grant of the MGECDWF. The Auditor told us that he did not always look

at every receipt when auditing the XYO's accounts. **Who was then the actual recipient of the 'Accountancy Fees'?** This question remained unresolved. I recommend the Registrar of Associations to follow up on this matter.

There was a clear lack of good governance within the Management Committee of the XYO. A Committee that had to take care of the WELFARE AND BEST INTERESTS OF THE CHILDREN of its organisation was in fact bestowing a number of PERSONAL PRIVILEGES AND FINANCIAL BENEFITS UPON ITS MEMBERS. Based on the documents that we analysed during this investigation, it was alarming to see the extent to which State funds provided for the promotion of children rights had been MISUSED AND MISMANAGED by the XYO.

7.4.1.2 Other malpractices identified at the XYO

Other instances of malpractices within the management of the XYO were identified during the investigation as described below:

7.4.1.2.1 Non-compliance with their initial contract with the MGECDWF

1. In the bidding document of XYO submitted to the MGECDWF for the management of Shelter H, the Director had proposed to hire a Centre Manager and an Executive Officer who claimed considerable experience in these positions on their curriculum vitae. **However, these people had never actually been hired by the organisation and the persons who worked within the organisation with these specific job titles did not possess the required qualifications.**
2. The XYO was contracted to recruit the services of a Psychologist once a week at a sessional rate of Rs 500. Initially, they had employed a Psychologist, but since they were not satisfied with her services, the latter left the organisation. Since then, XYO did not employ a Psychologist and relied on Psychologists from the MGECDWF free of charge as and when required. However, the XYO continued to use the monthly Rs 2,000 allocated to psychological services for 'over and above expenses' without any prior approval from the MGECDWF. It is also surprising to note that in their bidding document, the XYO had proposed to hire 'Psychologists' who are holders of a 'Degree in Social Work'.

Table 7 below enlists numerous clauses in the MOU between the XYO and the MGECDFW that were found to have been breached in the current investigation:

Table 7. *Breaches of the MOU between the XYO and the MGECDFW*

Clauses in the MOU between the XYO and the MGECDFW	Breaches identified (as referenced in text)
<p>Staffing and qualifications:</p> <p>‘the Service Provider, having represented to the Ministry that it has required professional skills, personnel and technical resources, has agreed to provide the management services to the Institution’ (p.2)</p> <p>‘The Service Provider shall have under its responsibility the staffing of the institution and accordingly carry out all human resource functions such as formulating job descriptions, recruitment, selections, training, administration, performance management and discipline.’ (p.5)</p>	<p>Refer to sub-sections 7.3.3.1, 7.4.1.2.1(1-2), 7.4.3.7 and 7.4.6.2</p>
<p>Recruitment and selection:</p> <p>‘The Service Provider shall also ensure that any recruitment and selection of staff is done in a fair and transparent manner.’ (p.5)</p>	<p>Refer to subsections 7.4.1.1 and 7.4.1.2.1(1-2)</p>
<p>Remuneration to the XY Organisation:</p> <p>‘The Ministry shall refund expenses related to the running of the Shelter M to the X Y Organisation on a monthly basis according to the satisfactory services rendered by the Service Provider and <u>upon submission of claims, duly supported by relevant receipts/invoices</u>. The Ministry reserves the right to query any expenditure incurred where unsatisfactory work or service has been delivered before considering any refund thereon. The monthly expenditure shall include:</p> <p>(a) Salaries and travelling expenses of staff (...)’ (Article VI, p.13)</p>	<p>Refer to subsection 7.4.1.1(7)(b)</p>

Table 7 (ctd). Breaches of the MOU between the XYO and the MGECDFW

Clauses in the MOU between the XYO and the MGECDFW	Breaches identified (as referenced in text)
<p>Protection from abuse:</p> <p>‘The Institution is a place of safety for children who are victims of abuse and/or neglect. The Service Provider shall ensure that the institution is always safe so as to protect children from further violence and abuse and keep them away from hostile environment.’ (Article I, p.2)</p>	<p>Refer to subsections 7.3.3.1, 7.4.2, 7.4.3.2, 7.4.3.3, 7.4.3.4, 7.4.3.5 and 7.4.5</p>
<p>Record-keeping:</p> <p>‘The Service Provider shall keep detailed records of all income and expenditure of the institution. These records shall be made available to the Ministry or other authorised Government Official for checking/auditing purposes and shall constitute the property of the Ministry.’ (Article II(c), p.3)</p>	<p>Refer to subsections 7.3.3.3 and 7.4.1.1(5 & 7)</p>
<p>Caregiver-child ratio:</p> <p>‘The services of child caregivers shall be made available at all times to ensure adequate and proper care of residents. During the day, the number of child caregivers to residents shall be in the ratio of 1:5 or a maximum of eight caregivers shall be present; and during the night the number of caregivers to residents shall be in the ratio of 1:4 or a maximum of six child caregivers shall be present; whichever is the lesser in both cases.’ (p.5)</p>	<p>Refer to subsections 7.3.3.1 and 7.4.3.8</p>

Table 7(ctd). Breaches of the MOU between the XYO and the MGECDFW

Clauses in the MOU between the XYO and the MGECDFW	Breaches identified (as referenced in text)
Residential capacity: 'The institution shall provide shelter to a maximum of 25 residents.'	Refer to subsections 7.4.3.4 and 7.4.3.8
Food quality: 'The Institution shall provide balanced meals which are nutritious, adequate in quality, varied and appealing to children and such meals shall be offered at frequent intervals.' (p.5)	Refer to subsections 7.3.3.1, 7.4.2 and 7.4.3.5
Health follow-up: 'The Service Provider shall arrange with the Ministry of Health and Quality of Life for regular medical check-up of the residents and ensure they are in good health... children must be conveyed to the regional hospital for any required treatment.' (p.6)	Refer to subsection 7.4.3.3
Household chores: 'Residents should not perform household chores, especially "heavy duty household chores".' (p.6)	Refer to subsection 7.4.2 (Table 8)
Right to education: 'The Service Provider shall take steps to ensure that the rights of the children to education are fully respected.' (p.7) 'The Manager shall ensure that every child has access to formal education in accordance with the Education Act.' (p.11)	Refer to subsection 7.4.4

Table 7 (ctd). Breaches of the MOU between the XYO and the MGECDFW

Clauses in the MOU between the XYO and the MGECDFW	Breaches identified (as referenced in text)
<p>The physical environment:</p> <p>‘The Service Provider shall...maintain all fixtures and fittings...electrical and plumbing installation found within the space it occupies’ (p.8)</p>	<p>Refer to subsection 7.4.3.4</p>
<p>Religious freedom:</p> <p>‘All residents shall be allowed to practise their faith. The Service Provider shall not impose any religious/sectarian practice on residents.’ (p.10)</p> <p>‘The Manager shall respect each child’s faith, religious beliefs and dietary habits/restrictions/choices.’ (p.11)</p>	<p>Refer to subsection 7.4.3.1</p>
<p>Providing for the needs of children:</p> <p>‘The Manager shall ensure all the material, psychosocial and emotional needs of the child are met.’ (p.11)</p> <p>‘The Manager shall respect the child’s personal space and privacy within the institution... ensure the security and safety of the child at all times... ensure a good quality services including infrastructural facilities, proper food, clothing and medical care.’ (p.11)</p>	<p>Refer to subsections 7.4.1.2.1(2), 7.4.2, 7.4.3.1, 7.4.3.2, 7.4.3.3, 7.4.3.4, 7.4.3.5, 7.4.3.6, 7.4.3.8 and 7.4.5</p>

Table 7(ctd). Breaches of the MOU between the XYO and the MGECDFW

Clauses in the MOU between the XYO and the MGECDFW	Breaches identified (as referenced in text)
<p>Manager's responsibilities towards children:</p> <p>'The Manager shall not:</p> <ul style="list-style-type: none"> - take any child to the residence of a staff, an outsider or a parent without the prior express written authorisation of the Ministry; - at any time leave young children unattended or supervised by other children; - demean, humiliate or insult a child under any circumstance; - discriminate against or harass any child' (p.12) 	<p>Refer to subsections 7.4.2, 7.4.3.1, 7.4.3.2, 7.4.3.4, and 7.4.5</p>

7.4.1.2.2 Non-respect of international guidelines

During an interview at the OCO, the Director of XYO denied any knowledge of the Guidelines for the Alternative Care of Children (United Nations, 2010) and of the Convention on the Rights of the Child (United Nations, 1989). This was surprising because it was clearly stated in her application to the MEHRTE SR for the accreditation of the K L Centre that one of her objectives was to "promote the development and welfare of children from the tender age in accordance with the Convention on the Rights of the Child (CRC) and to promote family welfare". It is also prescribed as a requirement for managers in the MGECDFW's list of do's and don'ts for RCIs that they need to "respect the rights and integrity of the child as stipulated in the Child Protection Act 1994 and the Convention on the Rights of the Child". Other staff of XYO who were interviewed also claimed that they were not aware of the UNCRC and that they only followed the instructions of the Director on how to perform their jobs.

7.4.2 The voices of children formerly residing at the RCIs of XYO

During the investigation, the OCO's team met with the 50 ex-residents of XYO on three occasions in different settings, which included individual and group interviews at the OCO and within their new placements, as well as two full-day workshops. Surveys were carried out on each occasion among the children to determine the proportion of them who preferred to stay in XYO and those who wanted to leave. Reasons for their answers were explored both individually and collectively as appropriate. Table 8 below provides an overview of the data gathered from the children. No personally identifiable information was used in this document to protect the identities of the children.

Table 8. Survey on placement choice with the 50 ex-residents of XYO on the first round of interviews

- **Children who preferred to stay at XYO**

Number of children: 18

Percentage of children: 36%

Main reasons given:

- These children did not want to change accommodation mainly because they were sad about losing their 'family', that is, the other children of the RCIs.
 - They thought that only a few children did not want to stay in XYO and that the majority were fine and happy with living in XYO.
-

Illustrative quotes:

"Nou mank nou bann kamarad."

"Zis aköz enn group zanfän shelter inn bizin ferme, leres ti kontan laba."

- **Children who preferred to leave XYO**

Number of children: 32

Percentage of children: 64%

Main reasons given:

- Many children were often punished for their behaviours by not being given food or by being served only oatmeal, bread and butter, or 'dude piti' (a milk and flour-based mixture).
-
-

- The food was not always fairly shared among the children.
 - The food was often undercooked and lacked taste, and at times it contained impurities.
 - Many children experienced verbal abuse from the Director and the staff.
 - Some children felt they were treated like ‘dogs’.
 - Many of them reported being humiliated and feeling oppressed by the staff.
 - The children were asked to do extensive household chores such as cleaning the toilet and removing fungus in the building.
 - The children were not given sufficient amounts of personal hygiene products such as toothpaste and shampoo.
 - Some children felt they did not have enough privacy and were watched by staff while they took their baths.
 - Not all children were brought to the doctor when needed.
 - The Director and her daughters showed favouritism towards a select group of ‘intelligent girls’ in the RCIs. Many children observed that these girls went to the Director’s place very often and were usually invited to eat at her place or go to parties.
 - Some children admitted to the K L Centre (KLC) reported that they did not learn much at the school.
 - Despite being sad to have left some of their friends at the RCI, this group of children were relieved that they were no longer living at the RCIs of XYO.
-

Illustrative quotes:

- *“Enn lanfer laba!”*
- *“Kote verbal pa ti bon – ti pe dir bann koze pa bizin kouma ‘lisien pli bon ki zot’ ek ‘bann ipokrit/tret’.”*
- *“Bann la ti fer bokou dominer laba, koz brit, maltret nou.”*
- *“Ti ena bebet dan manze, lever, ros, seve...manze pa ti bon.”*
- *“Mis get nou bengne.”*
- *“Zis bann zanfan intelizan ki ti pe gagnlavantaz, Mm directrice ti kontan zot.”*

The first round of interviews with children had taken place from 17 July 2018 to 20 July 2018. For the children who argued that they preferred to stay in XYO (36 per cent), they said that they liked

and missed their carers and friends. Most of them also represented those residents who were usually referred to as the ‘privileged’ or ‘favourite’ ones of the Director and who regularly went to her place. Sometimes, despite living in abusive situations, children may develop feelings of trust and affection towards their abuser, a concept also known as the ‘Stockholm Syndrome’. I hypothesize that this may have been the case at the XYO for this particular group of residents. Besides, our first survey results showed that the actual majority of children (64 per cent) wanted to leave XYO for several reasons including maltreatment, lack of respect from staff, lack of privacy, the favouritism of the Director and her daughters towards a privileged group of residents and restrictions on basic necessities such as good quality food and personal hygiene products, among others.

On the second round of interviews with the children which took place between 21 July 2018 and 26 July 2018, we observed a significant decrease in the proportion of children who maintained that they preferred to stay at XYO from 18 (36 per cent) to 8 (16 per cent). The third round of interviews was carried out during the two full-day workshops on 01 August 2018 and 02 August 2018 respectively. The first workshop involved all the former residents of Shelter H and the second workshop was carried out with the former residents of S R Centre. At this stage, **ALL children stated that they did not want to return to XYO.**

With regards to their new placements, most of them appreciated their new accommodation and felt well-integrated. They found their new carers to be ‘nice people who did not shout at them’. However, some children have highlighted a few issues at two out of the 8 RCIs³⁷. Children placed at one of the RCIs complained that they were only being given basic needs and lacked emotional support from the carers. They also pointed out that there was a lack of discipline at this RCI. Those placed at the second RCI commented that they did not like living on the same premises as old people and that only vegetarian food was being served. The OC referred the case to the **Alternative Care Unit of the MGECDW so that they can look into these complaints to improve the children’s situation in these two RCIs.**

³⁷The names of the RCIs have not been disclosed in this report for confidentiality and the concerned authorities have been informed.

7.4.3 Child rights issues at the two Residential Care Institutions of XYO

7.4.3.1 Non-respect of the rights to religious freedom and leisure of children

Every Monday from 4pm to 5pm, the Director of XYO and her staff at the S R Centre performed a 'hawan', a religious Hindu prayer, in the television room of the RCI. Children complained to me that the religious ceremony was often long. When children returned from school, they would not be allowed to watch television during that time. Some children said that those belonging to other religions were also asked to participate in the ceremony and they did not feel free to pray according to their religious beliefs.

The 'hawan' was also carried out every Friday at the KLC. In the interview with a carer who worked at XYO, she argued that children from other faiths did have opportunities to participate in Christian, Islamic and other Hindu prayers, although they were not as regular as the 'hawan'. This practice was in breach of the list of do's and don'ts for RCIs elaborated by the MGECDWF, whereby the Manager of the RCI shall "respect each child's faith [and] religious beliefs". It was also against the spirit of the Convention on the Rights of the Child (CRC; United Nations, 1989)³⁸, in that the children's rights to religious freedom (article 14) and leisure (article 31) had not been respected. These articles of the UNCRC are stated below:

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**.

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**.

³⁸United Nations (1989). Convention on the Rights of the Child. Geneva: Author.

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.**

Paragraph 88 of the Guidelines for the Alternative Care of Children (GACC; United Nations, 2010)³⁹ has also not been respected by XYO on children's religious freedom as follows:

*Children should be allowed to **satisfy the needs of their religious and spiritual life**, including by receiving visits from a qualified representative of their religion, and to **freely decide whether or not to participate in religious services**, religious education or counselling. **The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief during a care placement.***

7.4.3.2 Verbal and physical abuse against children

"Koter verbale pas ti bon – ti pe dire bane kozer pas bisin couma 'li chien pli bon ki zot' ek 'bane hypocrite/traite'."

"Bane la ti fer bocou dominer labas, koz brit, maltraite nou."

Ex-resident of XYO

Most children reported that the Director of XYO and the RCIs' staff used harsh and humiliating comments towards them as illustrated in the quotes provided below. Some of them said that the Director and staff often disclosed confidential information about their histories in a falsified way (e.g. publicising that they were sexually abused when they were not) in front of other children as a way of humiliating them. Other children mentioned about some forms of corporal punishment which were at times inflicted upon them such as kneeling on gravel, being dragged on asphalt paving and being threatened/beaten with a stick.

During the investigation, it became apparent that the Director of XYO and her RCIs' staff confused between the terms 'discipline' and 'verbal abuse'. They did not perceive their punishing verbal and physical approaches as maltreatment. These are undoubtedly inhumane practices which are against article 19(1) of the UN Convention on the Rights of the Child as stated below:

*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.***

³⁹United Nations (2010). Guidelines for the Alternative Care of Children. Geneva: Author. Retrieved on 13 September 2018 from www.unicef.org/protection/alternative_care_Guidelines-English.pdf

7.4.3.3 Non-adherence to the mental health treatment of some children at the RCIs

The Director of XYO had publicly claimed in the L'Express newspaper of 15 July 2018 that she stopped children in the RCIs from taking medication prescribed by the Brown Sequard Hospital and instead did yoga and meditation with them, as quoted below:

Brown Sequard Hospital. Des filles ont reçu un traitement à l'hôpital psychiatrique. J'ai arrêté car je suis prof de yoga et de méditation. Je sais comment encadrer l'enfant pour qu'elle cesse ce traitement, on ne donne même pas de médicaments.

The decision for discontinuing the medication of these children was made on the Director of XYO's own motion without consulting the prescribing doctor. This practice is inappropriate and detrimental to the health of children whereby somebody who is not trained or expert in the medical field was taking significant health decisions on the course of a child's treatment.

Contrary to the Director of XYO's above-stated claim, the OCO came across a list of shortcomings highlighted to her by the CDU on 28 November 2017 for which she had to take remedial actions within 15 days. Some of these limitations were related to the mismanagement of the mental health treatment of children at S R Centre:

- A resident, who was referred to BSH [for] psychotherapy...and who was not supposed to be on medication, related that she was given medication every day and at times was treated with other resident's dose of medicines.
- No medical records or any documentary evidence of children following treatment at BSH was available at the Shelter.
- Some residents, though not displaying psychiatric symptoms, were referred to BSH when they were not obedient.
- Complaints of residents regarding medicines making them drowsy following treatment at the BSH are not taken into consideration for referral back to BSH.
- Sharing of medicines for residents at the Shelter is a common practice.

7.4.3.4 Overcrowding and lack of personal space and hygiene facilities in the RCIs

Many children complained that they did not have enough personal space in the RCIs and their bedrooms were crammed. The RCIs of XYO accommodated more children than they had the capacity for and some of them had to share beds with others. For instance, for a maximum capacity of 25 children at S R Centre, the RCI accommodated 31 children as per their records in March 2018. Such instances increase the risk of children engaging in age-inappropriate sexual activities.

In one of her summonses to the OCO, the Director of XYO said that she thought she was helping the MGECD by accommodating children beyond her capacity. In the MGECD's perspective, the rise in the number of children victim of violence caused them to rely increasingly on the flexibility and collaboration of RCIs for child placements. The Ministry maintained that they always ask for an acceptance letter from the RCI Manager before allocating any child to an institution and that they provide per capita grants for any additional child in the RCI.

Furthermore, according to the children, they were also given very limited amount of toothpaste and shampoo for their personal care and they often had to take cold showers. Many children also claimed that they were watched by carers while they were having their baths. These practices are against the GACC(UN, 2010)⁴⁰ as clearly stipulated in its paragraph 89 that:

*All adults responsible for children should **respect and promote the right to privacy, including appropriate facilities for hygiene and sanitary needs, respecting gender differences and interaction, and adequate, secure and accessible storage space for personal possessions.***

In addition, the lack of bed space for children also meant that care staff worked in poor conditions whereby they had to sleep on mattresses on the floor at night.

⁴⁰United Nations (2010). *Guidelines for the Alternative Care of Children*. Geneva: Author. Retrieved on 13 September 2018 from www.unicef.org/protection/alternative_care_Guidelines-English.pdf

7.4.3.5 Problems with the quality of the food served to the children

Most children complained about the food being undercooked, tasteless and sometimes having insects and impurities in them. Although the Director of XYO argued that they served food recommended by a Nutritionist, the children's experiences with the food were not reflective of this. The CDU had also formerly highlighted issues with food to the XYO for which it had written to this organisation for remedial actions. For instance, the XYO was only serving vegetarian food to its residents at one of its two RCIs and the staff at times denied children some basic food items that they requested. Poor food quality and food restrictions can have an adverse impact on children's overall development and health and it is also a non-respect of paragraph 83 of the GACC (UN, 2010)⁴⁰ as stated below:

*Carers should ensure that children **receive adequate amounts of wholesome and nutritious food** in accordance with **local dietary habits and relevant dietary standards, as well as with the children's religious beliefs**. Appropriate nutritional supplementation should also be provided when necessary.*

7.4.3.6 Lack of background information on the children who were residing at XYO

From the documents received from the Child Development Unit (CDU) for this investigation, we noted that most of the files of children residing at the XYO were EMPTY or did not have any substantial background information (e.g. case history, birth certificate, committal order, etc). The CDU who was the main body responsible to assess and provide up-to-date information on children living in residential care seemed to have fallen behind in their responsibility in this regard. It is understandable that, in some cases, this information might be unavailable if they had not been provided by the child's parent(s) in the first place, and that they might need to be retrieved from the relevant authorities through time-consuming procedures. However, this remains a systemic violation of the right of the child to preserve his or her identity as per the UNCRC (article 8). A lack of background information on a child creates problems when the suitability of placement of a child in a residential care and/or educational institution has to be assessed. It also makes it difficult for RCIs to prepare individualised care plans on their residents when they are not aware of their medical, family, psychological and educational profiles.

7.4.3.7 Lack of training and skills among the RCIs' staff of XYO

It came out from the OCO's investigation that the Director did not possess the necessary qualifications and skills to operate residential care institutions. The Director of XYO only claimed 'experience' of having worked with vulnerable children. To date, no certificates or attestation letters to support her claim were submitted to the OCO. The RCI Manager of Shelter H, who is also the daughter of the Director of XYO, admitted that she did not possess qualifications in child care or management or any training related to children. She claimed that she obtained experience through working at XYO for five years. In addition, the S R Centre had no designated Manager and, another daughter of the Director of XYO who worked there as a carer, handled the management responsibilities. According to the National Audit Office (2017, p.250), *"only five staff members out of 12, including management, held a Certificate of Character"*, which was less than half of the total number of employees.

It is clear that the staff members of the XYO were not prepared to handle the heterogeneity of difficulties faced by their residents. The Director had not invested in employing professionals such as Clinical Psychologists, Qualified Animators or Child Welfare Specialists to improve the quality of care of the residents. The NAO (2017, p.250) also noted that *"no specialised training programme was developed for the staff of the Institution, particularly for the Caregivers who were directly involved with the children in distress"*.

7.4.3.8 Problems with staffing at the XYO

The carer-child ratio set in the initial Management Services Contract of the XYO was not being respected. There were not enough carers recruited for the number of children at the RCIs. During a surprise visit I did in 2017 at Shelter H, I found that one **cook** was 'looking after' a group of 16 children holding a stick in her hand. Observations were also made by the National Audit Office (NAO) who reported that, during visits, 8 children were found on their own without carers at Shelter M (2016), and 2 carers instead of 6 as per the MOU were on duty with 29 children at Shelter H (2016). In November 2017, only 3-4 carers were on duty at Shelter H during the day and 2-3 during the night, against 5 and 6 respectively as per the MOU and, during a site visit, only 2 carers were on duty to cater for 25 children.

According to the MOU, the XYO was supposed to recruit at least 2 Cooks, at least 2 Cleaners and one Handyman at their institution. However, it was found that there was only one Cook and no

Cleaners and Handyman, and during a site visit, the Cook was on leave and a Carer was preparing the food (National Audit Office, 2017). **These instances indicated clear problems in the staffing process of the XYO and that the management was not adhering to the requirements of the MOU.** This issue had also been signalled to the XYO by the MGECDFW. The lack of staff and the burdening of existing staff with responsibilities beyond their role (e.g. carer having to cook instead of caring for the children) are known to impact negatively on group dynamics in RCIs and the welfare of children.

7.4.4 Child rights issues at the K L Centre (KLC) of XYO

As at June 2018, out of the 50 girls who resided in the two RCIs of XYO, 26 (52 per cent) of them were admitted to the KLC. However, several problems were identified during the OCO's investigation which is outlined as follows:

- a) There was no evidence on whether other mainstream options had been explored and exhausted first before admitting more than half of their residents to the KLC.
- b) There were no proofs of psychological or special educational needs assessments to account for the rationale of admitting the students to the KLC. It was similarly brought up by the MGECDFW in November 2017 that *"the majority of students referred to the KLC did not show any mental problem and could have adjusted in mainstream educational institutions"*.
- c) The KLC did not follow the norms and standards for Special Education Needs Schools (Ministry of Education and Human Resources, n.d.)⁴¹, especially in terms of the curriculum framework and the planning and monitoring of individualised education plans (IEPs) for students. IEPs are usually developed by teachers along with Specialist Support Services such as Psychologists, Occupational Therapists and Speech and Language Therapists. The KLC rather did activities such as learning moral values,

⁴¹Ministry of Education and Human Resources (n.d.) *Norms and standards for Special Education Needs Schools*. Mauritius: Author. Retrieved on 13 September 2018 from ministry-education.govmu.org/English/educationsector/Documents/6.%20Norms%20and%20Standards.pdf

sewing, handicraft and hairdressing, which cannot be considered as sufficient for the quality education of a child.

- d) The school manager and some teachers who worked at the KLC did not possess the relevant qualifications and experience to run a special needs education school.
- e) It was found that the school manager continued to claim per capita grants from the MEHRTESR for some students who had already left the KLC.

The above-mentioned practices had several consequences on the concerned children. For instance, without appropriate assessment, they are likely to have been deprived of their fundamental right to education within a mainstream school environment and their right to socialise with other children in the community. The lack of qualifications of the management and teaching staff raised question on their ability to provide quality education to children with special educational needs. The fact that the KLC continued to claim financial aid for students who no longer were registered with them also raises important concerns on the transparency, accountability and good governance of the school.

It is important to point out here that, following receipt of the OCO's report regarding concerns on the KLC dated 16 April 2015, the MEHRTESR had carried out field visits at the KLC on 11 May 2015 and 02 June 2015. the Director of XYO claimed that she had employed an "Educational Psychologist" but could not provide any evidence of psychological assessments or admission reports. At the time, she also proclaimed herself as a voluntary resource person to the school and **denied being the Manager** or involved in school matters. However, it became clear from school attendance records as at June 2018 **that the Director of XYO was actually signing as 'Manager/Headmistress' of the KLC.**

7.4.5 Problems highlighted by the Child Development Unit on XYO

During the present investigation, I obtained a series of field visit reports from the CDU regarding the RCIs of the XYO which highlighted several concerns since 2012. Remedial measures were proposed after each visit, but actions taken by the XYO seemed to have been slow and even non-existent. An overview of some of these issues is provided by year in Table 9 below:

Table 9. Issues identified from field visit reports by the CDU since 2012

Year	Examples of issues highlighted in the field visit reports
2012	<ul style="list-style-type: none"> • Unclean rooms and yard; • crowded bedrooms; • broken toilet; • mixed up clothing; • no labels on clothing and other personal belongings; • broken doorknob; • environment not child-friendly
2013	<ul style="list-style-type: none"> • Overcrowding in the RCIs; • children's reports of physical assault and corporal punishment; • ongoing issues regarding the menu and the quality of the food
2014	<ul style="list-style-type: none"> • Infringement of children's privacy (e.g. children watched by caregivers while they are having a bath); • children's reports of being given unprescribed sleep medication at night; • case of alleged sexual abuse on a resident by a staff member
2015	<ul style="list-style-type: none"> • Children's reports on feeling threatened by the Director who did not want them to reveal difficulties at the RCI to the CDU; • insufficient provision of basic necessities (e.g. toothpaste, shampoo, hot water); • use of foul language by children and staff towards the CDU; • reports on minors' access to alcoholic drinks; • some children brought to nightclubs and the Director's home; • alleged physical assault on residents by the Director and her daughters
2016	<ul style="list-style-type: none"> • Unaccompanied visits to their biological families carried out by some minors

Year	Examples of issues highlighted in the field visit reports
2018 (until closure on 11 July 2018)	<ul style="list-style-type: none">• Absconding issues;• giving bread and butter to children as a punishment;• children's reports on being physically abused;• stigmatisation of children based on their past problems;• donations taken away from children;• lack of cleanliness in the yard;• dangerous plants in the yard with gardening tools scattered everywhere;• locked emergency door

7.4.6 Systemic factors that may have maintained malpractices at the XYO

It is important to look at potential systemic factors that may have contributed to maintaining problems at the XYO. Some are suggested below:

7.4.6.1 Insufficient monitoring and evaluation from the concerned authorities

During a summon at the OCO with the members of the Managing Committee of XYO, the Director of XYO exclaimed that *"ti bizin ed nou ameliior nou servis."* Although it cannot be denied that many pieces of evidence point towards the unethical management of resources at the XYO, the Director brought up an important overarching issue.

A system that does not supervise and monitor the practices of the organisations that it is supposed to regulate can also be held responsible for any unethical activities occurring within these organisations. For instance, the Director of XYO said that checks and monitoring from the CDU were sparse in the year and they did not happen every month. This was problematic in that issues that were being highlighted by the CDU since 2012 were not closely followed through to ensure that remedial measures were actioned and maintained. Moreover, all RCIs in the Republic of Mauritius are required to co-sign a monthly record of attendance for the MGECDFW by their Manager, Supervisor and Officer-in-Charge. However, the staff at the S R Centre denied any knowledge of this official requirement. Furthermore, the Registry of Associations had

notified the XYO of breaches in their Rules of Association(RoA) in December 2014. However, there should have been more follow-up actions after this notice to ensure that the XYO had achieved full compliance.

7.4.6.2 Lack of qualified and trained staff

One of the bases on which the Management Services Contract was awarded to the XYO was that they had satisfied the MGECDWF that they had the *“required professional skills, and personnel and technical resources”*. It was surprising to see that the XYO had been given licenses to operate RCIs and a Special Education Needs School (i.e. the KLC) despite the lack of proper qualifications and training among the staff including the Director. The staff still used traditional, restrictive and, verbal and physical punishments to ‘discipline’ the residents. This showed a lack of knowledge among the staff on the use of constructive and positive discipline strategies with children. Furthermore, the MGECDWF (2015) had noted the drawback that *“no minimum qualifications had been set for [the] high posts in the Contract Document”* and they also *“questioned on what basis the Ministry is ensuring the staffs employed by the service provider qualify for the high posts. For instance, (...) the Centre Manager for [Shelter H] Curepipe has a School Certificate”*.

7.4.6.3 Recommendations related to RCIs in the OCO’s Annual Report 2016-2017

In the Annual Report 2016-2017 of the OCO (2017)⁴², I dedicated a whole chapter (pp.25-87) on several areas of concerns and recommendations with regards to the rights of children living in residential care institutions (RCIs) in the Republic of Mauritius. I appreciate that these recommendations are being duly considered by the MGECDWF. I was informed that the Alternative Care Unit, which was set up in July 2018, is actively mobilising resources and internally training its staff to better coordinate and enhance its four sections, namely the

⁴²Ombudsperson for Children’s Office (2017). Annual Report 2016-2017. Mauritius: Author. Retrieved on 13 September 2018 from oco.govmu.org/English/Documents/Annual%20Reports/OMBUDSPERSON%20ANNUAL%20REPORT%202016-2017.pdf



Rehabilitation Section, the Back-to-Home Section, the Foster Care Section and the Child Mentoring Section. Enforcement Officers have been recruited to ensure a better and more regular monitoring of RCIs. Some RCIs have already been downsized and there is an increasing commitment to professionalise the foster care system and to reintegrate children within their biological families.

Moreover, I have also been told that the upcoming Children's Bill and its Regulations are being prepared in the spirit of the UNCRC and GACC. It is crucial that this momentum and dedication towards the fulfilment of children's rights are maintained by all relevant stakeholders. We need to engage in concerted actions with the aim of accomplishing the necessary reforms in alternative care within the shortest delays. For reference, a summary of some of the key ideas of the OCO's (2017) chapter is provided in Table 10 below.

Table 10. *Key ideas on the areas of concerns and recommendations regarding the rights of children in RCIs from the OCO's Annual Report 2016-2017*

Areas of concerns	Proposed recommendations
<p>1. Child placement procedures: Children are usually placed in RCIs based on bed availability rather than their specific needs. This creates an inappropriate mix of children living under the same roof which can lead to exhaustion of staff. This results in ineffective practices that are not responsive to the complex needs of the child.</p>	<ul style="list-style-type: none">• Improve legislation so as to clarify placement aims for children• Create an obligation as per the UNCRC to periodically review placement decisions• Operate smaller therapeutic units for children with similar needs
<p>2. Screening and assessment: There are a considerable lack of comprehensive assessments for children in residential care by authorities (physical health, social functioning, psychological well-being, educational needs, etc). RCIs have to work with these children based on very limited historical information.</p>	<ul style="list-style-type: none">• Carry out comprehensive assessments prior and during placement• Improve communication and networking among stakeholders involved in the care of these children

Table 10 (ctd). Key ideas on the areas of concerns and recommendations regarding the rights of children in RCIs from the OCO's Annual Report 2016-2017

Areas of concerns	Proposed recommendations
<p>3. Level of training: Staff working in RCIs often do not have adequate training and skills to manage the emotional and behavioural difficulties of children in residential care. Experience of parenting and common sense do not suffice to look after these children. There is a lack of trained full-time professionals such as Clinical Psychologists and Occupational Therapists working in RCIs.</p>	<ul style="list-style-type: none"> • Improve service delivery with children in residential care via the training of carers on the psychosocial needs of children, on behaviour management skills and on understanding their own self • Encourage and support RCIs to recruit professionals in child psychology and welfare • Educate RCIs' staff on the provisions of the UNCRC and the GACC
<p>4. Monitoring mechanisms: For years, there have been a lack of internal and external monitoring procedures to ensure that RCIs are acting in the best interests of their residents and that public funds are being used in an effective and ethical manner. This can lead to a culture of poor accountability and transparency. The monitoring done by the CDU was more focused on administrative matters (e.g. whether building requirements, meal and safety procedures are being followed) or crisis interventions than on the care quality, case files' reviews and the prevention of institutional abuse.</p>	<ul style="list-style-type: none"> • Improve legislation to establish clear internal and external monitoring mechanisms for RCIs • Train the staff of the ACU to carry out more qualitative supervision and prevention work with RCIs • Increase the frequency of monitoring follow-ups from the ACU and improve communication regarding the progress of children between the ACU and RCIs

Table 10 (ctd). Key ideas on the areas of concerns and recommendations regarding the rights of children in RCIs from the OCO's Annual Report 2016-2017

Areas of concerns	Proposed recommendations
<p>5. Child participation: The voices of children are not always taken into consideration in processes involving them such as when deciding on their placements, food menu, clothing or holiday activities, among others. Many local carers wrongly believed that enabling children to express their views would mean allowing them to defy authority.</p>	<ul style="list-style-type: none">• Empower children on their right to forming their views and participating in matters that concern them• Sensitise staff on the importance of child participation• Train staff on how to listen to children and respond with empathy
<p>6. Education of children in RCIs: Children in residential care tend to have low levels of educational attainment and they undergo changes in their schooling when they change placements. Many of them present with behavioural difficulties which are hard to manage in mainstream schools due to lack of staff training and resources. When these children are placed in special schools, they have limited opportunities to socialise with other young people and form healthy peer relationships in the community.</p>	<ul style="list-style-type: none">• Sensitise and empower mainstream schools on how to effectively deal with behavioural difficulties of children• Ensure that a child living in residential care is provided with enough opportunities to join mainstream education and use the option of special education only if indicated by comprehensive assessments of the child's needs

Table 10 (ctd). Key ideas on the areas of concerns and recommendations regarding the rights of children in RCIs from the OCO's Annual Report 2016-2017

Areas of concerns	Proposed recommendations
<p>7. Infrastructure and physical environment: There are no local policies on infrastructural standards for RCIs. The criteria to declare an RCI as a 'place of safety' are vague. The buildings of many RCIs are old and need refurbishment. Many RCIs lack adequate communal space, toilets, bathrooms and playground area for the number of children they accommodate. Considerable efforts are required to make the physical environment of the residents child-friendly.</p>	<ul style="list-style-type: none"> • Sensitise all relevant stakeholders on the importance of a sound physical environment on child development • Increase the number of family-based placements and smaller RCIs within a spirit of de-institutionalisation • Establish child-friendly infrastructural standards for the operation of RCIs
<p>8. Violence: The majority of children who are in RCIs have been removed from their families because of violent experiences. Children in residential care are known to also be at risk of violence or corporal punishment from staff and other children. Neglect is another form of maltreatment that can be observed in some RCIs, lack of proper sanitation, bed space or recreational facilities.</p>	<ul style="list-style-type: none"> • Reinforce monitoring and support mechanisms to prevent violence in RCIs and take the necessary actions • Sensitise staff on the impact of abuse histories on child development • Educate care staff on the use of positive discipline strategies

Table 10 (ctd). Key ideas on the areas of concerns and recommendations regarding the rights of children in RCIs from the OCO's Annual Report 2016-2017

Areas of concerns	Proposed recommendations
<p>9. Discrimination: Children with behavioural difficulties, disabilities and mental health problems seem to be at risk of being excluded and discriminated against in residential care.</p>	<ul style="list-style-type: none"> • Train staff on non-discriminatory child care and behaviour management • Recruit mental health professionals within RCIs • Avoid accommodating widely heterogeneous groups of children within the same premises
<p>10. Leisure, play and recreational activities: Some RCIs are less equipped than others in play spaces or are located in communities where recreational facilities are lacking. Some RCIs attempt to overly structure and programme leisure activities for children which might be counterproductive to their development. Lack of staff and safety can often become obstacles for children in residential care to enjoy leisure facilities in the community.</p>	<ul style="list-style-type: none"> • Train carers to engage in fun and constructive, and not overly structured, play with children • Develop safe recreational areas for children in localities where RCIs are based • Improve the physical environment of RCIs to accommodate outdoor games

7.5. Conclusion & Recommendations

Based on our current investigation and previous enquiries on the XYO, it is clear that this organisation had too many shortcomings and had violated a series of provisions of the UNCRC and the GACC. They breached the Registration of Associations Act 1978 and the Rules of Association (MLIRET, n.d.) in several respects as illustrated in the present document. They did not respect multiple clauses of their Management Services Contract and Memorandum of Understanding with the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW).

Hence, I support the decisions that were taken by the MGECDFW, in 2017 for the closure of Shelter M, and in 2018 for the closures of Shelter H and S R Centre. Given the number of complaints against the XYO that have accrued since 2012, it would have been unreasonable to allow such an organisation to continue to operate. Although some people have argued that the closure of the RCIs and the displacement of children overnight on 11 July 2018 could have been done in a smoother way, I believe that this action was necessary at that given time in the spirit of acting promptly for the sake of child protection. I would also like to add that, in the current alternative care system of the country, finding placements for children within a limited number of RCIs and foster care homes is an enormous challenge for authorities. Moving 50 children within such a short period of time to alternative placements was indeed a risky, but a right, bold and timely, decision, by the MGECDFW for the welfare of these children.

As illustrated in our investigation, the complaints made to the MGECDFW by some former residents of XYO regarding allegations of abuse at the RCIs represented only the tip of the iceberg. It is important to say that, since 2012, the CDU had carried out several site visits at the RCIs of the XYO and had highlighted their concerns in letters and during disciplinary meetings to the Director of XYO and other responsible officers. In 2018, the Director of XYO argued that the closures of the XYO's RCIs were sudden and baseless, but evidence clearly show that there was a history of allegations on the unethical management of these RCIs. The Director of XYO often responded negatively towards CDU officers, denied the allegations made, and threatened to sue the MGECDFW. the Director of XYO even served a *Mise en Demeure* to CDU officers in August 2015 where she accused them of holding grudges against her, of having made false statements against the XYO and of wanting to tarnish her reputation. This *Mise en Demeure* was later withdrawn by the XYO because CDU officers are conferred protection from liability as per

section 20 of the Child Protection Act 1994. Nevertheless, this situation had led to high levels of demotivation and distress among CDU officers. The three CDU officers cited in the *Mise en Demeure* advanced that they encountered “disrespectful remarks” and “moral prejudice” from the Director of XYO and other members of the XYO during the performance of their duties.

It cannot be denied that the MGECDFW has advised the Director of XYO to rectify her malpractices. As outlined in the introductory part of subsection 4.6.3 in the present document, important measures have also already been deployed by this Ministry to promote quality care delivery and deinstitutionalisation of RCIs. The training and supervision of public officers involved in alternative care are also being given more attention so that they can perform a better quality of monitoring and follow-up of RCIs.

Moreover, to promote a culture of good governance, transparency and accountability within RCIs and the respect of all the fundamental rights of the child, it is important to apply preventive and early interventive measures to tackle the issues that arise. The full application of specific recommendations with regards to the XYO made by external stakeholders such as the Registry of Associations (2014), the National Audit Office (2016, 2017), the Ombudsperson for Children’s Office (2015, 2017) and Vellien et al.’s (2015) Fact-Finding Committee could have prevented at least some of the numerous breaches by the XYO.

Furthermore, I would suggest that the central issue in the current alternative care system is **not only the lack of funds, but also the mismanagement of funds**. For instance, problems arise when

- these funds are provided to organisations that engage in corruptive and unethical practices;
- it is not ensured that funds are being used to fulfil children’s rights as per the UNCRC;
- remedial actions by the relevant authorities are not closely followed up; and
- the impact of these investments on the well-being of children is not assessed and reviewed.

I would like to emphasise that, unless the country ensures that **the principles and articles of the UNCRC and the GACC are domesticated within our local laws, translated into regulations and policies, enforced and monitored within alternative care settings**, we will not be able to positively impact on the well-being of children as per international standards. Although it is true

that a consolidated and comprehensive Children's Bill is yet to be enacted, this does not mean that current local child legislation must be ignored. No RCIs should operate in a state of impunity as if they are exempt from punishment or free from the injurious consequences of an action. The National Audit Office (2016) reported on the MGECDFW that *"there was no legal framework surrounding the management of shelters"* and that *"shelters are required to comply with the terms and conditions set by the CDU"* (p.267). To guarantee lawfulness and good governance among RCIs, there should be more than just a list of do's and don'ts. It is promising to see that it was decided in the cabinet meeting of 9 august 2019 that child protection (place of safety for the welfare & protection of children (Prime Minister's Office, 2019⁴³)) regulations will be promulgated under the child protection act 1994. These new resolutions can help in clarifying criteria for the declaration of institutions as place of safety, their operational capacity and their staff training requirements.

No individuals, organisations and even local authorities should be allowed to work in the field of alternative care and child protection without a profound awareness of the UNCRC and the GACC. As a point of caution, I would like to emphasize that the UNCRC cannot be subjectively interpreted and practised according to one's personal experiences and beliefs. Comprehensive interpretations on provisions of the UNCRC such as the right to education and general guidance on their implementation, known as 'General Comments', are published regularly by the Committee on the Rights of the Child. This Committee is a body of 18 Independent experts that monitors the implementation of the Convention on the Rights of the Child by its State parties (Office of the High Commissioner on Human Rights [OHCHR], 2019)⁴⁴. **It is part of the objects of my office, as per section 5(c) of the Ombudsperson for Children Act 2003, to promote compliance with the UNCRC.**

It is important that the lessons learnt from the case of XYO become a springboard to improve policies and legislation for the protection of children and the regulation of RCIs. In this context, I would like to recommend the following:

⁴³Prime Minister's Office. Cabinet Decision 09 August 2019: Retrieved on 03 September 2019 from <http://pmo.govmu.org/English/News/Pages/Cabinet-Decisions-taken-on-09-AUGUST-2019.aspx>

⁴⁴Office of the High Commissioner on Human Rights (2019). *Committee on the Rights of the Child*. Geneva: United Nations. Retrieved on 03 January 2019 from www.ohchr.org/en/hrbodies/crc/pages/crcindex.aspx

7.5.1 Quality monitoring and supervision of RCIs

Being the regulator of all RCIs in the Republic of Mauritius, the MGECDFW should put **a system in place to regularly monitor how NGOs operating RCIs are managing their funds**. Although I have been informed that the Alternative Care Unit is trying their best to improve their working relationship with RCIs, I would like to reiterate that, in the OCO's Annual Report 2016-2017, I emphasised that there is a **lack of proper internal and external monitoring procedures and supervision mechanisms for RCIs in our country. Who is in charge when it comes to ensuring that the necessary measures are being applied by RCIs and followed up by authorities?** The absence of monitoring *"within RCIs and by local authorities both mutually reinforce each other in creating a culture of poor accountability, transparency and quality of services"* (OCO, 2017, p.57). **Monitoring is NOT JUST A CHECKLIST EXERCISE** limited to *"administrative matters such as the catering of meals, the physical environment (yard and buildings), visitors' books, staff attendance books, inventory sheets, fire safety, laundry and sanitary conditions among others"* (OCO, 2017, p. 56). The report of the MGECDFW (2015) also drew attention to the need of revising and making more explicit the conditions to be adhered to by RCIs to get the monthly capitation grant, and of setting clear cut indicators and a comprehensive list of criteria.

Another aspect of monitoring includes consultations with the children living in RCIs. However, it is **not possible to monitor RCIs based on children's feedback only**. Professional adults working with children need to be able to apply **discernment, objectivity and context** to their comments before making decisions. As shown in this current report, we did not take children's words to face value because we knew that children may, in states of anxiety, fabricate about events. A rigorous process was carried out to verify and counter-verify the truthfulness of children's voices over time during our investigation.

Supervising the quality of care and group dynamics within the RCIs, the prevention of institutional abuse, and regular multi-disciplinary reviews of individual care plans are a MUST. Such supervision work MUST NOT be carried out by administrative or technical staff, but by professionals who at least have training in child psychology and case management and prior work experience within local alternative care settings. This is still an important shortcoming in our current alternative care system which has to be looked into by the MGECDFW. I would also encourage the MGECDFW to improve the practice of these professionals by allowing them to

access training and exposure in alternative care systems of other countries such as France, Reunion Island and the United Kingdom.

Moreover, **clear whistleblowing protocols** for both children and staff of RCIs must be established so that authorities are alerted as early as possible on child protection issues in RCIs.

I would also like to add that, even if the current report is about violations of children's rights at the XYO, it would be naive to say that XYO is an isolated case. Such systemic failings might be present in other NGOs. **I recommend that relevant authorities conduct a retrospective in-depth inquiry on the financial affairs of the XYO. The consequences faced by XYO must remain a STRONG SIGNAL to all those who are practising unethically.**

7.5.2 Adapted training based on the UNCRC and the GACC for RCI staff

The serious problems of lack of qualified and trained staff within RCIs and overcrowded settings emerged very strongly during our investigation on XYO. For several years now, we have noted that many RCIs are having to accommodate increasingly heterogenous groups of children including those with acute emotional, behavioural, physical and psychiatric difficulties. Some RCIs are overcrowded and are operating inefficiently to the detriment of children's welfare. In most RCIs, the staff are not skilled and equipped to handle extreme behavioural difficulties that arise with children. They usually have no awareness of the basic principles of the UNCRC and the GACC.

Additionally, there have been many cases of RCI staff being verbally abused, emotionally harassed or even physically injured by children while on duty. If staff do not feel safe in their work environment, this can in turn jeopardise the quality of care provided to children. There is also a severe shortage of trained professionals such as Clinical Psychologists and Occupational Therapists among others in most RCIs, often due to lack of financial resources. Multidisciplinary management approaches are rarely used within RCIs. High employee turnover among carers in residential care is also very common mainly due to burnout, lack of managerial and supervisory support and insufficient salaries. As a result, children lose people they bond with which may feed into a vicious cycle of conflict and hostility within RCIs.

The TRAINING OF RCIs' STAFF including centre managers and carers is a MUST to build their knowledge, skills and confidence in working with looked-after children. Working in alternative care

is emotionally, psychologically and physically demanding. Therefore, along with practical skills, these staff have to understand their own history and feelings, and have opportunities to reflect on their responses to a child's pain or disturbance. As I had discussed in the OCO's Annual Report 2016-2017,

Too often carers are made to believe that love combined with parenting skills and common sense would be enough to work with looked after children. This is a myth. The Violence Against Children Study Group (1999)⁴⁵ clearly argued that the experience of parenting and common sense of what is needed to care for looked after children do not suffice as training. These children require high quality care and this can only happen if the staff displays a comprehensive understanding of the consequences of abuse on the child and high levels of skills and commitment to deliver quality care standards.

Carers who lack proper training are often asked to provide therapeutic care to inhomogeneous groups of children, and then everybody wonders why there are difficulties and high levels of stress within these institutions. An inquiry to learn from is that of Ty Mawr Community Home, a residential home in Wales that had failed terribly at providing quality services to their resident children (Williams & McCreadie, 1992)⁴⁶. One recommendation that stood out was that:

There should never in the future be an institution (...) with such an inappropriate mix of residents cared for in large measure by unqualified staff.

*Some researchers have proposed that even if training remains an important ingredient in providing quality services, **training per se cannot ensure that quality services are delivered**. Training for instance is not a guarantee of perfect integrity. So, "it is particularly important to see training as part of a wider strategy for change, and to select an appropriate approach to training" (Tolfree, 1995, p.98)⁴⁷.*

Training is not the sole responsibility of the organisation, but it should be an integral part of local policies and legislation governing the alternative care system. Based on the UNCRC and the GACC, a training package for care staff including regular workshops, practical toolkits and on

⁴⁵The Violence Against Children Study Group (1999). *Children, child abuse and child protection: Placing children centrally*. England: John Wiley & Sons Ltd.

⁴⁶Williams, G. & McCreadie, J. (1992). *Ty Mawr Community Home Inquiry*. Wales: Gwent County Council.

⁴⁷Tolfree, D. (1995). *Roofs and roots: Care of separated children in the developing world*. UK: Save the Children Fund.

-site supervision could be created by the concerned authorities in collaboration with alternative care providers so that they can learn how to deal with looked-after children on a daily basis and during emotional and behavioural crises. Trained staff could be provided with a certificate that allows them to practise within alternative care settings. After training, the relevant authorities could reinforce and update the learnt skills of care staff through a feedback and supervision system.

7.5.3 Law enforcement among NGOs working with children

Whether carried out intentionally, out of ignorance or both, the several unlawful practices of the XYO have led this organisation to a dead end with undue stress caused to the children residing in its RCIs. There is a very well-known French saying that “*nul n’est censé ignorer la loi*”. Although it is impossible for the lay person to know all laws, the latter can however not use this ignorance as a justification to breaking laws. Therefore, it is of prime importance that individuals and organisations do their best to enquire about the legal frameworks within which they operate and to understand their responsibilities. Authorities also have a duty to improve the accessibility and visibility of these laws among the concerned parties through, for instance, leaflets, handouts, sensitisation, training and the media.

All associations including NGOs in the Republic of Mauritius have to be registered with the RoA which is mandated by the Registration of Associations Act 1978. As at 31 December 2018, 10,385 associations were registered with the RoA. All these associations have the responsibility to be well versed with the Registration of Associations Act 1978, its Regulations and the Rules of Association (Ministry of Labour, Industrial Relations, Employment and Training [MLIRET], n.d.).

Moreover, the RoA also has the duty of ensuring that its registrants are aware of this legal framework and its rules. According to section 31(1) of the said Act, the RoA has the power to “*inspect and audit the books of a registered association and its bank and cash balances*”. In addition, section 32 of the Act allows the RoA to inquire into the affairs and conduct of an association, and any registrant failing to provide documents or attend summons shall commit an offence. The Registration of Association Regulations 1979 and the Rules of Association (MLIRET, n.d.) should be strictly enforced by the RoA. For instance, the RoA must ensure that no employees of an Association shall be allowed to stand as a candidate to the Managing Committee (Ibid., n.d., article 5(6)). **I encourage all NGOs, especially those working with children, to review their management structures so that these are FULLY compliant with the law.**

In addition, the RoA should monitor more closely the appointment of professional auditors by Managing Committees of organisations. The RoA explained to the OCO that they do not routinely check the qualifications of Auditors appointed by NGOs because many of them cannot afford to hire professional auditing services as they are expensive. Although this may be true for small associations, it can be argued that the lack of enforcement of this regulation allows large associations who can afford such services to hire any person as an 'Auditor', often without any formal approval from the RoA. Corrupt and unethical financial transactions by some organisations would easily go unnoticed without proper independent audits of their accounts. I recommend that this regulation should be redefined and applied to all NGOs.

7.5.4 The concept of networked governance: Networking is essential for instilling and maintaining good governance within NGOs

Networked governance (Lim, 2011)⁴⁸ is an emerging concept that is being considered by many countries in the world that are reviewing traditional top-down government structures. It fosters "novel ways of collaboration that bring together diverse stakeholder groups and provide more integrated and holistic responses" to societal issues. These stakeholder groups include both statutory and non-statutory bodies. This concept also values collaborative leadership in policy-making and relationship-building among different parties so they could work together more ethically and efficiently. It can be said that the XYO was an organisation that had easily escaped the attention of authorities partly due to a lack of networking among bodies that were supposed to regulate fund and supervise its practices. **I believe that to provide quality and high standard services to children living in RCIs, networked governance is highly recommended so that no rights of children are left behind.**

I propose that the Mauritius Council of Social Service (MACOSS) can play a key role in this respect. One of the purposes of this Council according to the MACOSS Act 1970 is "to promote and foster co-operation (...) by **bringing together representatives of the statutory** bodies and voluntary organizations" engaged in the promotion of "charitable purposes for the benefit of the community in Mauritius". The MACOSS could create platforms that link together

⁴⁸Lim, J. (2011). *Networked Governance: Why It Is Different and How It Can Work*. Singapore: Civil Service College. Retrieved on 20 December 2018 from www.csc.gov.sg/articles/networked-governance-why-it-is-different-and-how-it-can-work

representatives of NGOs working with children living in residential care, the Registry of Associations, the Ombudsperson for Children's Office, the Alternative Care Unit of the Ministry of Gender Equality, Child Development and Family Welfare, the National Corporate Social Responsibility Foundation (NCSRF) and the Ministry of Education and Human Resources, Tertiary Education and Scientific Research among others. These platforms could enable the sharing of important information; training on laws, ethics and good governance in the management of RCIs and its relevance to the protection of children's rights; as well as concerted discussions on the current situation of children in residential care and the preparation of national action plans.

In addition, the OCO would like to work jointly with the MACOSS and the NCSRF to sensitise their NGO members who work with children and young people on ensuring that the services and projects that these NGOs bid for and implement are in line with the provisions of the UNCRC and are in respect of the existing child-related legislative framework. Currently, 385 NGOs are members of the MACOSS and 62 of them work with children and young people. As at mid-January 2019, 382 NGOs were registered with the NCSRF, of which approximately 111 worked with the said target group.

Finally, the MACOSS has to ensure that it collaborates with the Registry of Associations and other authorised sources to verify the status and track record of organisations seeking affiliation with them. They should not provide memberships to organisations identified to be unlawful and unethical and they should alert other stakeholders such as the concerned Ministries and the NCSRF about them.

7.5.5 No compromise on financial investments in children's rights

The case of XYO has taught us the extent to which mismanagement of State funds and the lack of accountability and transparency within the Managing Committee of a single organisation can lead to violations of children's rights. Upon inquiry with the MGECDWF with regards to disbursement of funds, it was found that Officers-in-charge of NGOs monthly submit their claims to the MGECDWF. Coordinators then certify if the number of children at the RCIs is correct. NGOs on Management Services Contract who have more children than their contracted capacity, are provided with a per Capita grant for the excess number of children. The funds are then released by the Finance Section of MGECDWF.

I believe that this disbursement process is concerning because the number of beneficiaries in an NGO does not account for whether expenses have been made judicially and ethically by the NGO for the welfare of children. The MGECDWF (2015, p.7) also brought attention to this in their report on the XYO, as stated below:

For the service management contract, evidence should be available in files indicating that all conditions mentioned in the contract document and MOU are being complied with before any claims are certified correct. Similarly, before the release of any capitation grant, it should be verified and documented that the shelter is operating within norms and standards for a place of safety.

We have a responsibility to ensure that we are **prioritising children's rights in public budget decision-making**, especially those of children in vulnerable situations, in an effective, efficient, equitable, transparent and sustainable manner. **Investing efficiently in the realisation of children's rights is a core part of ensuring that the provisions of the UNCRC are being respected at an institutional level.** I would like to bring attention to the General Comment No.19 (Committee on the Rights of the Child, 2016; for further reference, use the given link)⁴⁹. It provides a framework to States so that they could better invest in children. It stipulates that the four core principles of the UNCRC, that are, **non-discrimination**; devotion to the **best interests of the child**; **the right to life, survival and development**; and **respect for the views of the child**, have to guide the process of child rights-based budgeting.

Institutions like the National Corporate Social Responsibility Foundation (NCSRF) have an IMPORTANT GATEKEEPER ROLE to play when allocating budgets to children's organisations. They have to ensure that no rights of the child are being violated during the planning, enacting, executing and follow-up of the budget process. They should not provide funds to NGOs working with children and young people unless their projects or services are fully compliant with the Convention on the Rights of the Child (UN, 1989). They should work in close collaboration with the Registry of Associations to verify the registration, track record and

⁴⁹Committee on the Rights of the Child (2016). General Comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4). Geneva: United Nations. Retrieved on 07 December 2018 from docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vHXnExBBGbM8arvsXxpbQtFqy5IM9wjdpzdQWNBmhRXy5GddCXwk43ItcbNBFLtyueX%2B6YpzPjHmwp3k68ATyNj

lawfulness of these organisations. They also have an obligation to show how these budgetary measures result in improvements in children's rights. It is stated in article 4 of the UNCRC that

States parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the 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 cooperation.

It is fundamental that State Parties determine the 'maximum extent of their available resources' for the fulfilment of children's rights in a transparent and ethical manner. It is clearly highlighted in paragraph 34 of the General Comment No.19 (Committee on the Rights of the Child, 2016) that

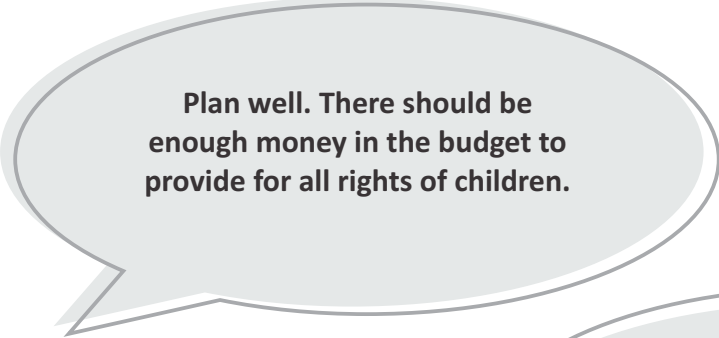
Corruption and mismanagement of public resources in State revenue mobilization, allocation and spending represents a failure by the State to comply with its obligation to use the maximum of available resources. The Committee underlines the importance of States parties allocating resources to prevent and eliminate any corruption affecting children's rights, in accordance with the United Nations Convention against Corruption.

Furthermore, our current investigation's findings have shown that the mental health treatment of some former residents of the XYO had been considerably mismanaged. I therefore would like to draw attention to the need of promoting the quality mental health treatment of children living in RCIs. I appreciate that investments are being made to upgrade the building of a former RCI into a mental healthcare centre for children with psychiatric problems and that a psychiatric nurse has already been recruited. Nevertheless, I would strongly encourage the MGECDW to refer to chapter 4 of the OCO's (2018, pp.271-278)⁵⁰ Annual Report 2017-2018 where I advocate for the setting up of a therapeutic residential mental healthcare facility for children and young people with severe mental health difficulties. This facility must be judiciously designed so that it can provide a wrap-around treatment approach to these children with a wide range of suitable therapies and with the involvement of a multi-disciplinary team of qualified and trained mental health professionals and other relevant workers.


Finally, I would like to highlight that all children living in residential care institutions (RCIs), irrespective of whether they are run under a Management Services Contract (MSC) with the Government, by the National Children's Council or under a Capitation Grant to NGOs, should benefit from an **EQUAL AVERAGE DAILY RATE PAYMENT PER CHILD**. Currently, there are disparities in the funding provided for residential care, whereby RCIs under MSC with the Government are the highest paid and NGOs the lowest. Many NGOs sometimes cannot afford to invest in better quality clothes, food, leisure facilities and therapy services for these children due to lack of funds. Some of them struggle to pay the end of the year bonus of their RCI's staff which can negatively affect their job satisfaction and retention. Yet, all these RCIs are taking care of **WARDS OF THE STATE** and none of these children should be financially discriminated on the basis of where they are accommodated. **I recommend that multi-stakeholder consultations in the area of alternative care are carried out by authorities to evaluate the actual costs necessary to provide quality services as per the UNCRC and the GACC to children in RCIs. An EQUAL DAILY PAYMENT policy should be adopted for all children in RCIs so that no compromise is made on the quality of care provided.** NGOs working for these children should not find themselves in a state of having to constantly find additional funds to sustain quality services. **This policy should be accompanied with strict monitoring of standards by the relevant authorities who provide the licenses to RCIs.**

I end this chapter with powerful messages from children to public budgetary decision makers as published in paragraph 8 of the General Comment No.19 (Committee on the Rights of the Child, 2016):

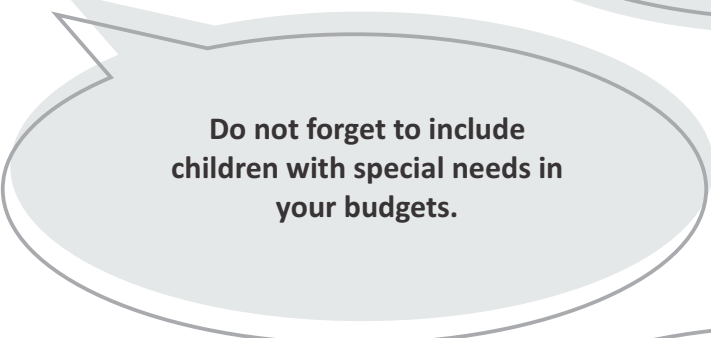
⁵⁰Ombudsperson for Children's Office (2018). Making rights a reality for every child of the Republic of Mauritius: Annual Report 2017-2018. Mauritius: Author. Retrieved on 10 February 2019 from oco.govmu.org/English/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf



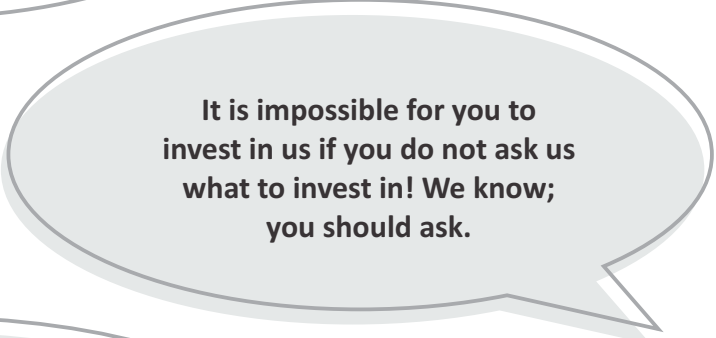
Plan well. There should be enough money in the budget to provide for all rights of children.



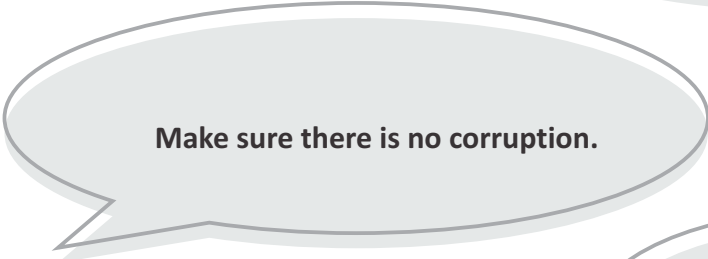
Investment in our families is also an important way of securing our rights.




Do not forget to include children with special needs in your budgets.



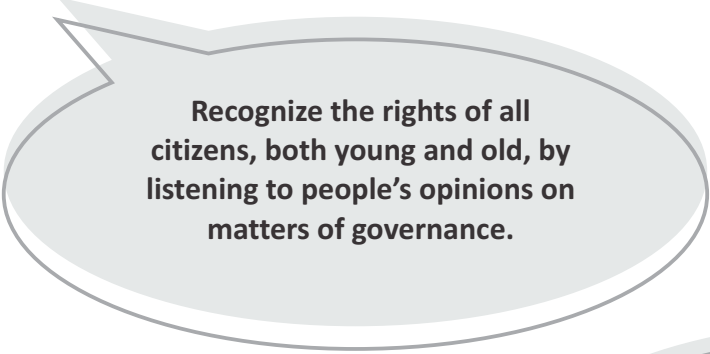
It is impossible for you to invest in us if you do not ask us what to invest in! We know; you should ask.



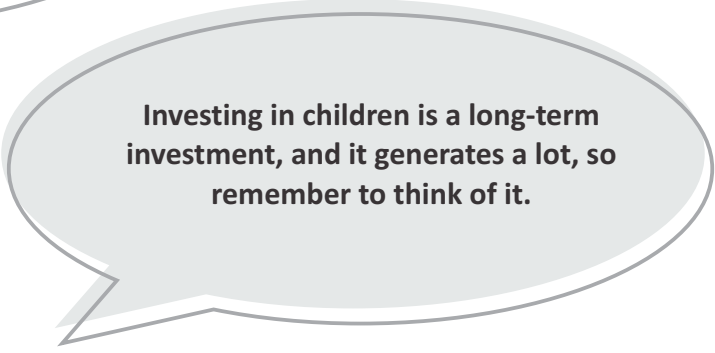
Make sure there is no corruption.



Publish records of how the money is spent.



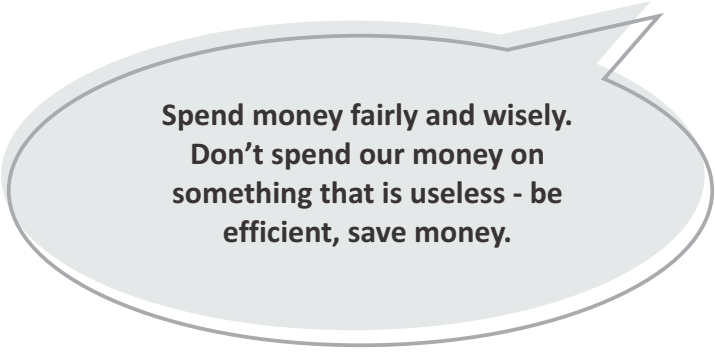
Recognize the rights of all citizens, both young and old, by listening to people's opinions on matters of governance.



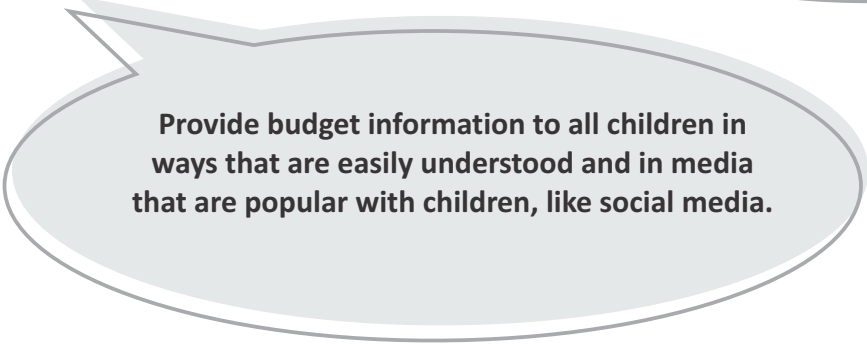
Investing in children is a long-term investment, and it generates a lot, so remember to think of it.



I would like the Government to be more accountable and transparent.

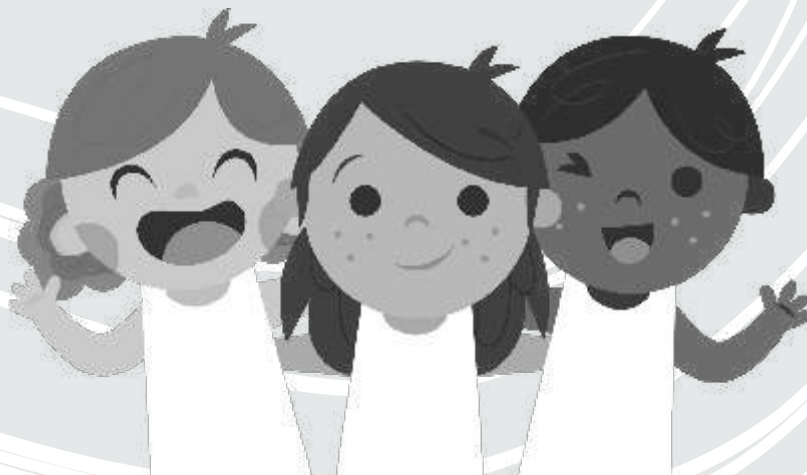


**Spend money fairly and wisely.
Don't spend our money on something that is useless - be efficient, save money.**



Provide budget information to all children in ways that are easily understood and in media that are popular with children, like social media.

CHAPTER 8:
A SYSTEMIC INVESTIGATION
ON ALLEGED PHYSICAL
ASSAULT PERPETRATED
UPON A CHILD AT
SHELTER LA
COLOMBE



8.1. Background

Shelter La Colombe is a residential care institution (RCI) for children, located at Pointe aux Sables, and managed by the National Children's Council (NCC) which was set up under the NCC Act 2003. In line with the said Act, the Board of the NCC consists of a multi-stakeholder panel of members as follows:

- a Chairperson
- the Permanent Secretary of the Ministry responsible for the subject of child development or his, or her, representative;
- a representative of the Attorney-General's Office;
- a representative of the Ministry responsible for the subject of health;
- a representative of the Ministry responsible for the subject of education;
- a representative of the Ministry responsible for the subject of social security;
- a representative of the Ministry responsible for the subject of economic development;
- a representative of the Commissioner of Police;
- a representative of the Trust Fund for the Social Integration of Vulnerable Groups;
- 3 elected representatives of other member organisations [e.g. non-governmental organisations];
- one representative of private sector organisations; and
- the Council Secretary.

On 28 May 2019, the Ombudsperson for Children (OC) met with almost all members of this Board including the Chairperson to review the situation at Shelter La Colombe. As a group of qualified people working in multiple areas of expertise, they contributed actively in discussing about the strengths, challenges and areas of improvement within the RCI. The OC thanks the Board of the NCC for their full collaboration during the current investigation. Nevertheless, the OC noted that there seemed to be a mismatch between the high level of competency of the NCC Board and the poor intervention quality of the executive staff of Shelter La Colombe. As at May 2019, the RCI counted 41 child residents and 42 employees including those on sessional, temporary and permanent bases.

8.2. The alleged incident of 09 May 2019

Early morning on Friday 10 May 2019, the OC was informed of an alleged incident of physical assault that happened on Thursday 09 May 2019 at Shelter La Colombe. It apparently involved a 10-year-old child resident and the Shelter Manager, Ms A⁵¹. The allegation was that Ms A had seriously beaten a child and following this incident, the child had then been admitted to the Brown Sequard Hospital (BSH). For the purpose of preserving the identity of the child, the latter is referred to as Child Z in the present document.

Owing to the severity of this allegation which is a direct violation of the right of the child for protection against all forms of violence, the OC initiated an own-motion inquiry, as conferred by section 7(1) of the Ombudsperson for Children Act (OCA) 2003. The objectives of this investigation were to

1. enquire about the course of events that led to the alleged situation;
2. assess whether the rights of Child Z had been violated; and
3. take stock of any other factors that may have contributed to the alleged situation.

8.3. Methodology

8.3.1 Data collection techniques

As provided by section 7(2) of the OCA 2003, the OC and her Investigators used several methods to build a more comprehensive picture of the situation as follows:

- Site visits at Shelter La Colombe;
- Gather information from children who were present at the RCI at the time of the alleged incident;
- Gather information from the staff who worked at the time of the alleged incident;
- Gather information from staff members who were not present at the time of the alleged incident;

⁵¹Only arbitrary letters have been used to refer to individuals appearing in this chapter to preserve their identities.

- Viewing of video recordings of 09 May 2019 at Shelter La Colombe;
- Summons of staff members of Shelter La Colombe at the OCO;
- Group interview with the Board members of the NCC;
- Call for files from the Ministry of Gender Equality, Child Development and Family Welfare (MGECDFW);
- A visit to Child Z at the BSH; and
- Consultation and in-depth discussion with a medical professional at BSH.

8.3.2 Investigation timeline

A chronological sequence of the procedures of the OCO's investigation that started from Friday 10 May 2019 and ended on Thursday 20 June 2019 is provided in Table 11 below.

Table 11. *Timeline of the investigation on Shelter La Colombe*

<i>Date</i>	<i>Action(s) undertaken by the OCO</i>
<i>Fri 10 May 2019</i>	<ul style="list-style-type: none">• Early morning, the OC was informed on an alleged case of physical violence involving Child Z and the Shelter Manager.• The OC decided to open an own-motion inquiry as per section 7(1) of the Ombudsperson for Children Act 2003.• A first site visit was conducted to Shelter La Colombe to gather information from staff and children.• The Shelter Manager was interviewed by an OCO's Investigator.• Video recordings of 09 May 2019 were viewed by the Investigator.• Phone consultations with several stakeholders were started.

Date (ctd)	Action(s) undertaken by the OCO (ctd)
Sat 11 May 2019	<ul style="list-style-type: none">● A phone debriefing session with Investigators was carried out to take stock of the first round of data.
Sun 12 May 2019	<ul style="list-style-type: none">● Children from Shelter La Colombe phoned the OC directly to talk about the situation at the RCI.
Mon 13 May 2019	<ul style="list-style-type: none">● A second site visit was carried out by OCO's Investigators at the RCI in the morning to continue the interviews.● The caregivers who were on duty on 09 May 2019 were summoned and interviewed at the OCO.● The OCO received an official request from the Union of Employees of the National Children's Council to investigate on the alleged incident.
Tue 14 May 2019	<ul style="list-style-type: none">● A debriefing meeting with Investigators was carried out.● Phone calls were received from the teachers who worked with the children of Shelter La Colombe.● The OCO visited the child at BSH.● The OC consulted a medical professional at the BSH.
Wed 15 May 2019	<ul style="list-style-type: none">● Follow-up phone consultations were conducted.● A summon letter was issued to interview a staff member.● Information collected so far was analysed by the OCO.
Thu 16 May 2019	<ul style="list-style-type: none">● The only staff member who supported the version that Ms A had beaten Child Z was summoned at the OCO for further enquiry.● A local newspaper published erroneous information about a supposed outcome of the case. The press agency was contacted in this regard by the OCO.

Date (ctd)	Action(s) undertaken by the OCO (ctd)
<i>Fri 17 May 2019</i>	<ul style="list-style-type: none">● A third site visit at the Shelter La Colombe was carried out by OCO.● The CCTV footage was viewed for a second time.● Interview of an administrative staff of the RCI was carried out.● Some ex-residents of Shelter La Colombe phoned the OCO to express their views about the situation at the RCI.● The press agency clarified in an article that the OCO's investigation was ongoing and their information source was not the OCO.
<i>Sat 18 May 2019</i>	<ul style="list-style-type: none">● A phone debriefing with OCO on the status of the data received so far was carried out.
<i>Sun 19 May 2019</i>	<ul style="list-style-type: none">● A surprise site visit at Shelter La Colombe was conducted by the OCO.
<i>Mon 20 May 2019</i>	<ul style="list-style-type: none">● A letter was sent to the Minister of Gender Equality, Child Development and Family Welfare to apprise her of the poor physical conditions observed by the OCO at the RCI and concerns regarding the lack of qualifications and training of the personnel. The temporary relocation of residents of the RCI until a full refurbishment of Shelter La Colombe was proposed.
<i>Tue 21 May 2019</i>	<ul style="list-style-type: none">● A debriefing meeting with the Investigators was conducted.
<i>Wed 22 May 2019</i>	<ul style="list-style-type: none">● A newspaper publishes an article on the 'views' of the OCO about Shelter La Colombe without verifying the statements at any time with the OCO.

Date (ctd)	Action(s) undertaken by the OCO (ctd)
Thu 23 May 2019	<ul style="list-style-type: none">● A clarification letter was sent to the concerned press agency.
Fri 24 May 2019	<ul style="list-style-type: none">● The press agency was requested to publish the clarification letter in a 'Mise au Point'.● A convocation letter for a group interview with the Board Members of the NCC was issued.● Another administrative staff of the RCI came to submit the requested electronic data at the OCO.● The data received so far were analysed by the OCO.
Sat 25 May 2019	<ul style="list-style-type: none">● Some staff from other RCIs in Mauritius phoned the OC to share their thoughts about Shelter La Colombe.
Sun 26 May 2019	<ul style="list-style-type: none">● The OC had phone consultations with some former Board members of the NCC.
Mon 27 May 2019	<ul style="list-style-type: none">● Preparations were made for the group interview with the Board members of the NCC.
Tue 28 May 2019	<ul style="list-style-type: none">● The group interview with the Board members of the National Children's Council was carried out regarding the situation at Shelter La Colombe.
Wed 29 May 2019	<ul style="list-style-type: none">● A debriefing meeting with Investigators was conducted.
Thu 30 May 2019	<ul style="list-style-type: none">● The data received so far from the different visits, phone calls and interviews were compiled and analysed.
Fri 31 May 2019	<ul style="list-style-type: none">● The OCO called for files from the MGECDWF which was provided on the same day for analysis.
Sat 01 June 2019	<ul style="list-style-type: none">● An initial structure for the write-up of the report was discussed.

Date (ctd)	Action(s) undertaken by the OCO (ctd)
Sun 02 June 2019	<ul style="list-style-type: none">● The report structure was finalised and the write-up responsibilities were allocated.
Mon 03 June 2019 – Fri 14 June 2019	<ul style="list-style-type: none">● The investigation report was drafted.
Tuesday 19 June 2019	<ul style="list-style-type: none">● Meeting with a medical professional at BSH.
Sat 15 June 2019 – Thu 20 June 2019	<ul style="list-style-type: none">● The investigation report was edited and finalised.

8.3.3 Important points related to an investigation

8.3.3.1 Difference between an inspection and an investigation

It is very important to distinguish between an INSPECTION and an INVESTIGATION. An inspection can be defined as “the act of looking at something carefully, or an official visit to a building or organization to check that everything is correct and legal” (Cambridge University Press, 2019)⁵². Inspections are usually a part of monitoring mechanisms carried out by authorities within their field of responsibilities (e.g. the Alternative Care Unit inspecting the infrastructure and child-caregiver ratios in residential care institutions) to ensure that organisations which are accountable to them are operating within the set norms and standards. They are typically checklist-based exercises.

In comparison, an investigation is defined as “a careful search or examination in order to discover facts” (Collins, 2019)⁵³. It is a “systematic, minute, and thorough attempt to learn the facts about something complex or hidden” (Dictionary.com, 2019)⁵⁴. Formal and official investigations can only be carried out by bodies which are legally mandated and resourced

⁵²Cambridge University Press (2019). Cambridge Dictionary: Inspection. Retrieved on 03 June 2019 from dictionary.cambridge.org/dictionary/english/inspection

⁵³Collins (2019). Definition of ‘investigation’. Retrieved on 03 June 2019 from www.collinsdictionary.com/dictionary/english/investigation

⁵⁴Dictionary.com (2019). Investigation. Retrieved on 03 June 2019 from www.dictionary.com/browse/investigation

to do so. For instance, the Ombudsperson for Children's Office (OCO) is empowered by the Ombudsperson for Children Act 2003 to investigate on any matter related to the rights of the child. For this purpose, Investigators are recruited at the OCO based on rigorously selected criteria. Their Scheme of Service, as set by the Ministry of Civil Service and Administrative Reforms (2014)⁵⁵, demands that they have the qualification and ability in dealing with children's issues, display analytical, interpersonal, mediation and communication skills, and undertake research into a vast range of child-related issues among others. They also regularly access continuous professional development trainings locally and internationally to upgrade their investigation skills. Investigations at the OCO are carried out in an independent, impartial and objective manner.

8.3.3.2 A systemic approach

At the OCO, investigations are carried out using a SYSTEMIC approach. Relying on singular versions of an incident can be damaging and it cannot provide a comprehensive picture of what might have actually happened. For instance, in the present case, the OCO did not only enquire on the alleged incident, but on different systemic factors that may have contributed to the conflictual situation between the Shelter Manager and Child Z. Understanding the existing group dynamics is at the core of understanding violence in RCI. Therefore, investigation must be built upon a wide range of elements which may include:

- i) verbal, written or electronic information from multiple actors directly and indirectly involved in an alleged case;
- ii) information on the history, nature and dynamics of the system where the incident happened;
- iii) objective measures such as audio or video recordings; as well as
- iv) independent observations, wherever possible.

⁵⁵Ministry of Civil Service and Administrative Reforms (2014). Ombudsperson for Children's Office: Investigator. Retrieved on 03 June 2019 from civilservice.govmu.org/English/Documents/Scheme%20of%20Service/ Scheme%20of%20Service%20-%20All%20Folders/Ombudsperson%20for%20Children%27s%20Office/Investigator.pdf

It is also important that the data collected is verified and counter-verified at different times, with different people and across different settings, to determine the accuracy and reliability of the information received. An investigation is not only an information-gathering process, whereby data is only collected and summarised for a report. A proper investigation is MULTI-LAYERED, and all data collected must be processed, analysed, reflected upon in teams, interpreted, validated and evaluated within their given contexts. The write-up of the final report is also a pivotal part of the investigation process so that the validated data is presented in a constructive way that provides scope for further effective interventions.

It is essential to listen to and understand children's accounts. IT IS ALSO CRUCIAL TO PUT THEIR WORDS INTO CONTEXT and consider the influence of many psychosocial factors such as peer or adult pressure, mental health difficulties, in-group dynamics within their living environment, difficulties with transitions, limited capacity to regulate intense emotions and their level of maturity and discernment among others.

8.3.3.3 Dealing with the media during an investigation

The OCO maintains a good collaboration with the media as they contribute immensely on spreading awareness on children's issues and rights. However, it is essential that anything published in the media concerning the views of the OCO on any matter must always be verified beforehand with the OCO itself. In May 2019, two different local newspapers had published articles in relation to the present case BASED ON THE OPINIONS OF SECONDARY SOURCES. This matter was taken up with both press agencies who then published clarifying articles in this regard.

It is important to understand that the publication of STATEMENTS FROM SECONDARY SOURCES can do more harm than good when investigations concerning children are in progress. For instance, it can stigmatise people and institutions based on hearsay, and influence the accounts of witnesses, which eventually can tamper with the outcome of an inquiry.

8.4. Findings

The findings presented below are based on the information collected by the OCO during the investigation. The comments made are evidence-based and not the product of hearsay or subjective interpretations.

8.4.1 About Child Z

1. In a BSH report on Child Z dated 14 May 2019, it was stated that the minor had 'no physical complaints' and that his 'minor scratches and bruises sustained were healed'. However, it is undetermined from the report if these 'scratches and bruises' were inflicted by the child himself or by others, or if they had any link with the alleged physical assault of 09 May 2019. It is also known that Child Z already bore marks on his body from past physical abuse.
2. In the same above-mentioned report, it is described that Child Z was currently responding well to his medications and participating in activities proposed to him at BSH, despite occasional impulsive behaviours which are managed by the hospital staff. It also mentioned that Child Z was apologetic about his behaviours on 09 May 2019 and wished to return to Shelter La Colombe.
3. The child did not clearly admit that he was beaten by Ms A with a 'mop baton' during the incident of 09 May 2019. During the interview, it was also observed that Child Z appeared disturbed and he lacked coherence and factual information in his narrative of what had happened on 09 May 2019.
4. Child Z had been following treatment at the BSH since August 2018. It is reported that he has a history of verbally and physically aggressive and age-inappropriate sexualised behaviours at the RCI towards both staff members and other children.
5. Upon consultation on 14 May 2019 with a medical professional at BSH, he explained that such cases can have poor control over their impulses, emotions and behaviours and lack the capacity to understand the consequences of their actions. Owing to his history of abuse, it is likely that Child Z is pushing boundaries with the adults around him to obtain any form of attention, even if this might be negative. Often, children with a difficult childhood history of abuse might unconsciously try to imagine or incite abusive responses from adults who are in a caring role to them as part of a pattern of rejection. In a psychological report dated 11 January 2018 on Child Z, it was described that the child reported frustration and restlessness that his family did not visit him at the RCI.

8.4.2 Reports of the Shelter Manager

1. When the OC phoned the Shelter Manager, Ms A, to get a first reaction from her in the morning of Friday 10 May 2019, the latter denied the allegations.
2. Later, an Investigator from the OCO was sent to the RCI to interview Ms A. In her statement, she again denied having hit Child Z. She declared that instead she was the one who received a hard blow in the belly and a kick in her knee.
3. Following this incident, Ms A had given a statement at the local Police Station with regards to having suffered physical aggression from Child Z. She later decided to retract the statement so that Child Z did not get involved into legal matters.
4. Ms A explained that the problems started in the morning of 09 May 2019 when she refused to give permission to children who do not attend school to go to the beach. The other children were reluctant to get ready for school in the morning because they also wanted to have fun at the beach on a school day. Consequently, Child Z started behaving aggressively, creating havoc at the RCI. Ms A said that he verbally abused her, threw metal objects at her and banged the door of her office. The carers could not get hold of the child. Ms A tried to hold the child when she received the blow. She was only successful at holding the child's hand so as not to receive further blows. She described the child as 'uncontrollable' and specified that the scene occurred near the store.
5. Ms A supported her statement by showing to the Investigator the images from the CCTV recording of that day. On the images, it was seen that it was the Manager who received a blow and a kick from Child Z. No evidence of Ms A inflicting corporal punishment to the child was found on the recording.

8.4.3 Reports of other staff members

1. An administrative staff who was on duty on that day stated that she witnessed the child hitting Ms A in the belly and kicking her on the knee. She also told the OCO that Child Z was swearing at and verbally abusing Ms A. She said that Ms A only tried to hold the child's hand to prevent him from hitting her further.
-

2. There were four staff members (S1, S2, S3 and S4) who were on duty at the time of the incident and interviewed on oath at the OCO on 13 May 2019. Three of them (S1, S2 and S3) claimed that Child Z was verbally and physically abusive towards Ms A, while S4 said that she did not witness what happened. They each described the following:
 - (a) S1: She said that she saw that Ms A was shouting at Child Z to ask him to calm down and that the latter threw a chair towards her. S1 declared that Ms A did not hit the child.
 - (b) S2: She stated that, in the morning, Ms A did not give permission to a group of nine children to go to the beach. These children did not want to attend school for various reasons. S2 heard the elder children inciting the younger ones to misbehave. Child Z then started to act aggressively. S2 claimed that she was hit by Child Z too. Child Z also gave a hard blow on another child's back. S2 maintained that Ms A did not hit Child Z, instead she was a victim to the abuse perpetrated by the child.
 - (c) S3: S3 advanced that the child started to act violently as from around 8.30am on 09 May 2019. He was quarrelling with some other residents. He then started swearing at Ms A when the latter decided not to allow the children to go to the beach. S3 said that Ms A did not hit Child Z, instead she was hit by him. She also added that the Child Z is given his medications everyday but he finds ways to spit his pills out.
 - (d) S4: She stated that she is responsible for the babies at the RCI and she did not witness what happened. However, she declared that, from her knowledge of Ms A, she has never beaten any child. She stated that two non-administrative staff members who were present downstairs told her that the child has beaten Ms A.
 3. Another administrative member of the RCI only heard the child swearing. She saw that, after the havoc, the child seemed fine and was eating and talking with his friends
 4. Only one non-administrative staff member who claimed to be an eye witness to the incident advanced that Ms A had beaten Child Z in her office. She stated that, when the child was beaten, no carer came to help. She also said that she saw that a child asked Ms A to stop beating Child Z, but Ms A told him not to get involved in this matter.
-

5. Another staff member claimed that she was having lunch outside the building at the time of the incident. Around 12.30pm, Child Z came to her saying that Ms A had beaten him. She said that Child Z removed his T-shirt and showed her scratch marks on his back and feet.

8.4.4 Reports of other resident children

1. Two children who claimed to be eye witnesses were interviewed by an OCO's Investigator on 13 May 2019. They stated that Child Z did not swallow his medicine in the morning of 09 May 2019. He kept it in his mouth and spit it. They added that Child Z swore at Ms A, using very humiliating words. He created havoc and banged on the door of the Manager's office. He threw objects at Ms A. He hit her twice and the latter tried to protect herself by holding Child Z's hands. When queried as to whether Ms A used violence in the past, they both declared that she has never beaten any resident of the RCI.
2. After the publication of an article in a local newspaper which advanced that two children had 'confirmed' that Child Z has been beaten by Ms A, the same two children suddenly changed their statements that support the version that Child Z was physically assaulted in Ms A's office.
3. Another two children who had spoken on the phone to the OC on Sunday 12 May 2019 stated that Ms A was physically aggressive towards children at the RCI and that she needs to quit her job. However, it must be noted that these children had not contacted the OC via the RCI's landline phone but had instead used someone's mobile phone.
4. Some children who did not directly witness the incident said that Child Z is usually physically and verbally aggressive at the RCI. He also often refuses to take his medication. Sometimes, he successfully keeps the medication in his mouth and, at times, he has been caught getting other residents to swallow his tablets.

8.4.5 Issues with the CCTV recording

1. It was found that the CCTV recording had already been viewed by an administrative staff along with two non-administrative staff members, prior to any official investigation being carried out.
-

2. The viewing of the video by staff prior to any external investigation on the alleged physical assault can be considered as a serious professional mistake. This CCTV recording should only have been accessible to authorised officials during the course of an inquiry.
3. During the investigation, it became increasingly obvious that ALMOST ALL staff members and children residing at the RCI were more or less aware of the contents of the CCTV footage due to rumours that had circulated rapidly.

8.4.6 The RCI's environment

During the visits of the OC and her Investigators at Shelter La Colombe in the context of the current inquiry, many environmental issues were noted at the RCI such as:

- Out of order bathrooms;
- Water stagnated on the floor;
- Untidy walls;
- Bed bugs
- Broken metal tables;
- Dirty rooms;
- No fire extinguisher;
- A stuffy creativity room with lack of proper ventilation; and
- A dirty yard.

These hazardous conditions put at stake the rights of these children to a conducive physical environment, basic hygiene, health and appropriate leisure. It was also observed that two resource persons employed to carry out creativity activities for children as from 9am on a Sunday morning were idle until 10.00 am. An administrative staff arrived at around 10.20am. Both children and carers appeared bored and the general atmosphere was dull for a Sunday morning. A letter advocating for a change in this situation was sent to the MGECDW on 20 May 2019.

8.5. Conclusions

After deliberation on all the findings of the current investigation, the OCO concluded that THERE WERE NO VALID EVIDENCE THAT THE SHELTER MANAGER HAD BEATEN CHILD Z. It had been a

major challenge to establish scientifically who, among the staff and the children, might be telling the truth and who not. Below is an explanation of the obstacles encountered by the OCO during this inquiry.

8.5.1 Breach of confidentiality of the CCTV footage

Confidentiality in investigations acts as an important safeguard so that the actors in a given case feel free to share information with Investigators without feeling guilty or threatened. During this inquiry, the OCO faced several challenges with respect to confidentiality, difficult group dynamics within the RCI and the significant likelihood of manipulation of child witnesses. As mentioned in subsection 8.4.5 of the present chapter, some staff members at the RCI had already viewed the contents of the CCTV footage before the start of an external investigation – a serious professional mistake.

Consequently, when the staff members and children were interviewed, the veracity of their statements could not be trusted. Some of them very confidently stated that the Shelter Manager, Ms A, had never hit the child and that it was the child who has been physically abusive towards Ms A. Others, with the same confidence, affirmed that Ms A had beaten the child in her office, but the irony was that there was no CCTV camera in this area to prove this statement. Three individuals who claimed to be eye witnesses to this incident – one non-administrative staff who is known to have viewed the CCTV recording, and two child residents – were actually not physically present in the room where they said Ms A had beaten Child Z. Overall, it can be concluded that there were NO ACTUAL CORE EYE WITNESSES to the alleged physical assault perpetrated upon Child Z.

Access to this master piece of evidence should have been denied to staff members at all costs. As a result, it was obvious that the following scenarios happened:

- Staff members who viewed the CCTV recording were influenced by the visible details and modified their original impressions.
- Rumours were spread about the details of the recording among the other staff members and children which, in turn, influenced their statements during the inquiry.
- A staff member and a child who were absent at the location of the original incident were claiming to be eye witnesses.

In addition, during the investigation, it appeared as if there was some form of sub-grouping among children and staff members. Some groups were either supporting the version of physical abuse perpetrated on the child, while others were siding on the version of physical aggression perpetrated by the child. These 'black-and-white' accounts of the incident has made it hard to settle on the actual facts. Both the adults and the children are complex beings and they might also be tainting their statements based on their biased perceptions of Ms A and Child Z.

8.5.2 Unreliable child statements

On Sunday 12 May 2019, the OC was contacted by two child residents of Shelter La Colombe who wished to urgently speak with her through a mobile phone. The OC always makes it a point to listen to what children have to say on matters concerning them. The children had stated that the Shelter Manager should no longer be allowed to manage the RCI because 'everybody knew she had beaten Child Z'. Being mindful of the possibility of manipulation of children by other children or adults, the OC asked the children whether they were eye witnesses to the alleged incident. Both of them did not answer this question and repeatedly stated that the Shelter Manager should quit.

It has to be highlighted that, while children in RCIs are not allowed to use mobile phones, these two children were given the permission to have a mobile phone and use it. It is typical for the OC to obtain calls from children in RCIs who want to express their views on different matters, but those are only through landline phones. In this particular case, the use of a mobile phone by children and avoidance to reply to the OC's queries led to the hypothesis that their statements might not be reliable and might have been subject to manipulation.

Based on secondary sources, a local newspaper published that two minors who were interviewed by the OCO at Shelter La Colombe, had 'confirmed' that Child Z was beaten by the Shelter Manager. The sources who gave this statement to the media had provided the wrong information. On the contrary, the two minors had not stated to the OCO at that time that the Shelter Manager had beaten Child Z.

It could have been that the children gave the wrong information to these sources or that the sources deliberately provided false information to the media. A few days after the publication of

this article, these two minors suddenly changed their statements, affirming that Child Z had been beaten by the Shelter Manager. It is possible that they might have been manipulated by others to say so or they were themselves being manipulative for unknown reasons.

Finally, the alleged victim of the present case himself, Child Z, is known to have a very difficult history of physical abuse and mental health issues. It is likely that he can display challenging, physically aggressive and risky behaviours towards himself and others, especially given that he has been refusing to take his prescribed medication at the RCI. Child Z seemed to have provided different versions of the alleged incident to different children and staff members. Overall, it will be unwise to use the account of Child Z as a way of establishing whether he was actually beaten or not by Ms A. The concerned authorities should take into consideration the difficult history and psychiatric difficulties of this child and how these might be interacting with his account of the incident. For instance, given that there were no eye witnesses in the office of Ms A, Child Z could have fabricated that he was beaten by Ms A.

8.5.3 Issues with leadership and training at the RCI

During the investigation, the administrative staff who had facilitated the unauthorised viewing of the CCTV footage acknowledged to an Investigator of the OCO that she had made a professional mistake. It was clear to the OCO that the complex group dynamics at Shelter La Colombe, conflictual relationships among children and staff, and the absence of strong management within the RCI adversely influenced the smooth running and quality of the investigation process.

In addition, the OC observed that the staff of Shelter La Colombe significantly lacked the qualifications and technical skills of how to manage RCIs for children who have been victims of different forms of abuse. Working in alternative care requires specialised skills at all job levels, from the auxiliary to the management staff. It is concerning to see that the qualification criteria for a 'Shelter Manager' as advertised by the NCC as at 31 January 2019 ([gender.govmu.org/English/.../NCC/Vacancy%20Shelter%20Manager%20\(6\).docx](https://gender.govmu.org/English/.../NCC/Vacancy%20Shelter%20Manager%20(6).docx)) were as follows:

- A. A diploma in Social Work or Administration or Management or an equivalent qualification acceptable to the Council*
- B. At least three years experience in the field of Social Work*

Candidates should also:

- (i) Have good organizing, communication & interpersonal skills*
- (ii) Be able to lead a team of employees*
- (iii) be computer literate*

The OC believes that the above criteria are too basic, vague and low in threshold for the management of complex groups of vulnerable children. It does not require the candidate, for instance, to have had:

- certified experience in working with vulnerable groups of children;
- training in child psychology; and
- knowledge of and training with respect to the Convention on the Rights of the Child (UN, 1989) and the Guidelines of the Alternative Care of Children (GACC; UN, 2010) .

The OC also noted that the recruitment criteria for an Assistant Child Programme Officer (ACPO) advertised by the NCC as at 16 February 2017 (gender.govmu.org/English/Pages/2017/Vacancy_NCC.aspx), as follows, revealed similar concerns as discussed above:

A Cambridge Higher School Certificate with passes in at least two subjects at Principal Level or Passes in at least two subjects obtained on one certificate at the General Certificate of Education "Advanced Level" or an equivalent qualification acceptable to the Board.

Candidates should:

- (i) reckon at least two years experience in social work with children.*
- (ii) produce written evidence of experience/knowledge claimed.*
- (iii) be computer literate.*

Furthermore, the lack of strong leadership, management and training of the personnel showed that they were not even aware that, just by virtue of being a witness, they were legally allowed to intervene in stopping the alleged physical assault, whether this was perpetrated upon Ms A or Child Z. The Criminal Code Act 1838 provides in its section 39A on 'Culpable Omission' that:

- (1) Any person who is able to take prompt action, without risk to himself or to a third party, so as to prevent the commission of a crime, or a misdemeanour which is an offence against persons, and who willfully fails to do so, shall be punished by a fine not exceeding 10,000 rupees and by imprisonment for a term not exceeding 2 years.*
- (2) Any person who willfully 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.*

It might be that the staff members did not want to get hurt themselves while the alleged incident was taking place and remained as by-standers in the situation. However, it was obvious that the staff members were not aware of this law and, therefore, did not know about their civic responsibilities to intervene or ask for immediate help.

It is not surprising to witness a rise in violence within a residential care setting due to poor leadership, structure, ethics and governance. As promoted by paragraphs 55 and 71 of the GACC (UN, 2010), proper management, training, monitoring and supervision of staff working in alternative care are sine qua non to the wellbeing of children and the protection of their rights:

55. States should ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorization to do so from a competent authority and are subject to regular monitoring and review by the latter in keeping with the present Guidelines. To this end, these authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision.

71. Special attention should be paid to the quality of alternative care provision, both in residential and in family-based care, in particular with regard to the professional skills, selection, training and supervision of carers. Their role and functions should be clearly defined and clarified with respect to those of the child's parents or legal guardians.

8.5.4 The impact of media publications on the investigation

The OCO has always maintained transparency and a good working relationship with the media which acts as a collaborator in promoting a peaceful society where all the rights of children are respected. However, in the present case, it was observed that media publications regarding the investigation based on sources other than the OCO had influenced the course of the inquiry in the following ways:

1. Some children's and staff's statements regarding the alleged incident had fluctuated following these publications.
2. The confidentiality of the OCO's functions during an incomplete investigation was breached.
3. Prejudice was caused to other media agencies who might have thought that the OCO gave exclusive information to certain of them and not to others.
4. Last but not the least, it created mistrust between the OCO and a number of important stakeholders. Staff members of Shelter La Colombe were distressed about losing their jobs. The OCO was contacted by the Union of Employees of the NCC for justification. Some staff members were no longer keen to testify during the investigation on violations of children's rights. The OCO also had to handle phone calls from angry parents whose children resided at the RCI due to the confusion created by the media publications.

8.6. Recommendations

It was very promising to see that the MGECDFW had already initiated an inspection of the physical conditions of Shelter La Colombe since March 2019 and that technical resources were being mobilised to conduct the necessary refurbishment. During this investigation, the MGECDFW and the OCO were also on the same page with regards to the temporary relocation of child residents to other places of safety, which has already been actioned in the best interests of the children. Infrastructure plays a key role in the rehabilitation of children victims of different forms of abuse, and children must be provided with this basic facility at all costs to protect their fundamental rights.

The following are recommendations that emerged from the issues identified during this investigation:

8.6.1 Review of the recruitment process in RCIs

The recruitment criteria of RCI personnel must be levelled up to be able to reflect the actual challenges of working in residential care. The recruiters must also be themselves sufficiently qualified to judge the eligibility of potential candidates for this profession.

8.6.2 Small therapeutic units in residential care

Forty-one residents within Shelter La Colombe is still a big number of children to handle within one building. As promoted by the UNCRC and the GACC, initiatives to decrease the size of RCIs to accommodate smaller groups of children have to be maintained to improve the quality of care provision and the children's well-being, and to prevent the rise of violence within RCIs. It is advised that not more than 20 children are accommodated within the refurbished building of Shelter La Colombe.

8.6.3 Training for RCIs' staff

Most RCIs are currently accommodating increasingly heterogenous groups of children including those with acute emotional, behavioural, physical and psychiatric difficulties. Training is a MUST for both staff and managers of RCIs so that they can better respond to the mental states and behaviours of their residents. The training should include resource persons from BSH as well. It is necessary that participation in such trainings has to be mandatory, adapted to the context of the RCIs, continuous and regularly reviewed.

8.6.4 Medical and psychosocial screening of child residents

Major improvements are needed in the medical and psychosocial screening of children referred to RCIs. At the point of removal from biological families, children require an in-depth assessment of their family history, their medical and mental health, their educational and social background, among others. This information has to be furnished to RCI managers before the child's placement so that they can be more aware of the child's profile and assess whether they have adequate specialised resources to handle the latter.

8.6.5 A specialised infrastructure for children with psychiatric difficulties

The setting up of a therapeutic residential mental healthcare unit for children with severe and risky psychiatric difficulties has become increasingly warranted so as to provide more specialised and multi-disciplinary care to these children. At the same time, this might relieve the burden on RCIs to have to handle such difficult cases with limited resources. More information regarding such a unit can be found in chapter 4 of the Annual Report 2017-2018 of the OCO (2018)⁵⁷.

8.6.6 Family-based alternative care for babies/infants in need of protection

Child Z was placed in the RCI since a very young age. Internationally, there is evidence to suggest that it is difficult for babies/infants who are placed in RCIs to have a good start in life. Most babies/infants in institutional settings cannot develop secure bonds or attachments because their caregivers come and go, and they may change institutions themselves. Attaching securely with the main caregiver is vital for babies/infants, especially in their first five years of life, as it promotes their healthy cognitive, physical, psychological and emotional development. Studies have shown that babies/infants who do not receive love and bonding with a primary caregiver may develop mental health difficulties such as attachment disorder, attention and deficit hyperactivity disorder, anxiety and anger issues among others.

In line with the recommendation in paragraph 22 of the Guidelines for the Alternative Care for Children (UN, 2010), the OC also emphasises that babies/infants, especially those under the age

⁵⁷ 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 06 June 2019 from oco.govmu.org/English/Documents/Annual%20Reports/Ombudsperson%20AR%202017-2018.pdf

of 3 years, who are removed from their families as a last resort should be placed in family-based settings. The increase in the budget for the Foster Care programme in the Republic of Mauritius, as announced in the Budget Speech 2019-2020, can greatly help in ensuring that foster care placements are prioritised for babies/infants who are in need of protection.

8.6.7 Promoting physical activities among children at RCIs

The incident at Shelter La Colombe on 09 May 2019 appeared to have been triggered over a conflict between some children and the Shelter Manager who did not authorise those who were unwilling to go to school to go to the beach. Children have a right to leisure, but they also have a responsibility to attend school.

Nevertheless, RCIs have a responsibility to create an environment that is not so overly disciplined and structured that it encroaches on children's leisure time and on their liberties to choose their preferred recreational activities. Similarly, it is advanced in the General Comment No.17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Committee on the Rights of the Child, 2013, p.6)⁵⁸ that

While many recreational activities may be organized and managed by adults, recreation should be a voluntary activity. Compulsory or enforced games and sports or compulsory involvement in a youth organization, for example, do not constitute recreation.

Children who have inadequate access to recreational activities, indoors, outdoors or within the community, often manifest their frustration through significant behavioural difficulties. The pressure of growing up in an RCI in itself can cause high levels of anxiety and distress among these children and it is important that they have regular opportunities to channel this emotional build-up through rest, play, sports and other age-appropriate leisure activities.

The OC recommends RCIs to encourage their residents to practise daily physical activities through play and sports. Along with contributing to children's physical and psychological development, these activities can help them acquire various personal and social skills such as time management, self-discipline, dealing with pressure, team work, taking turns as well as sharing responsibility with their peers. This can also decrease the incidence of violence within RCIs.

⁵⁸Committee 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: United Nations.

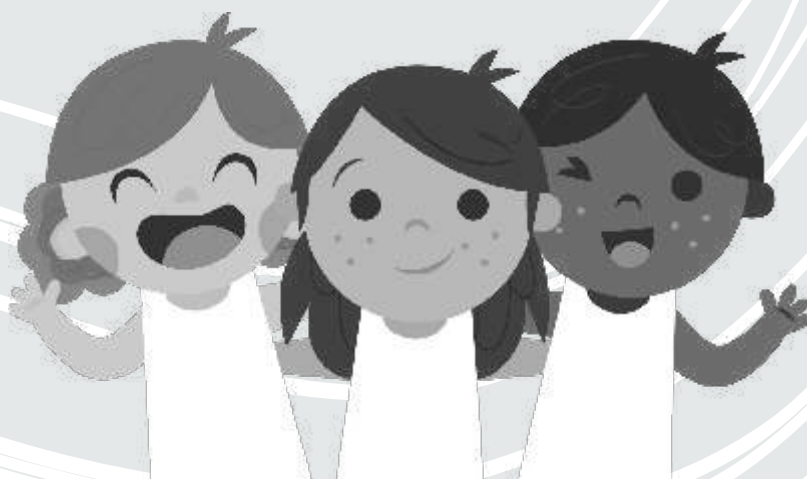


8.6.8 Men in a caring role within RCIs

During the OCO's investigation and numerous visits to RCIs, it was observed that the vast majority of caregivers are women. The significant lack of male caregivers within RCIs can often mirror the absence of the father or a male authority figure in the child's upbringing. Although there is barely any local research in this area, it is not surprising that the relational dynamics within RCIs, and the growth and development of these children will be different in a female-dominated caregiving environment.

A positive male role model is important in children's lives, especially for vulnerable children. The OC believes that the traditional mindset of women in a caregiving role should be shifted to the shared role of men and women in caring for children. Encouraging RCI managers to promote the recruitment of trained and experienced male caregivers can improve the gender balance within this profession.

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	7. Investigation
2. Interpretation	8. Protection of witnesses
3. Establishment of office of Ombudsperson for Children	9. Protection from liability
4. Appointment of Ombudsperson for Children	10. Staff of Ombudsperson for Children
5. Objects of office of Ombudsperson for Children	11. Report of Ombudsperson for Children
6. Functions 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 assess its suitability;

(ii) a child may be in employment;

(iii) there is reasonable ground to believe that the moral and physical safety of a child may be in danger;

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

(d) enter any licensed premises where the Ombudsperson for Children suspects that alcohol and tobacco may be handled, consumed or purchased by children;

(e) record the statement of any person in connection with an investigation;

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

(g) summon witnesses and examine them on oath;

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

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

(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)

Date:

President of the Republic

Before me,

(S)

Appendix B: List of participants' organisations at the 2-day workshop of 24-25 July 2019 in Quatre Bornes, Mauritius

“Reflecting deeply and acting concretely to protect children of the Republic of Mauritius from all forms of violence”

S/N	Participants' Organisations
1.	Chagos Refugees Group
2.	Outer Islands Development Corporation (Agalega)
3.	National Children's Council
4.	Private Secondary Education Authority
5.	Service Diocésain de L'Education Catholique
6.	CYC (Boys)
7.	RYC (Boys)
8.	RYC (Girls)
9.	Ministry of Education and Human Resources, Tertiary Education and Scientific Research
10.	Anti-Drug and Smuggling Unit
11.	Commission for Child Development & Others (Rodrigues)
12.	Brigade pour la Protection des Mineurs
13.	Ministry of Gender Equality, Child Development and Family Welfare <ul style="list-style-type: none">● Child Development Unit● Alternative Care Unit● Gender Unit● Family Welfare and Protection Unit● Planning and Research Unit
14.	Ministry of Justice, Human Rights and Institutional Reforms
15.	Law Reform Commission
16.	Independent Police Complaints Commission
17.	National Human Rights Commission
18.	Attorney General's Office
19.	Ministry of Health and Quality of Life
20.	Civil Society Organisations
21.	Staff from Ombudsperson for Children's Office

Appendix C: List of participants at the workshop of 17-19 April 2019 in Rodrigues

“Enhancing the efficiency and response of stakeholders in the case management of children victim of different forms of abuse in Rodrigues”

S/N	Name	Designation
1.	Mr. J. Cledino Edouard	Secretary Child Mentoring Committee
2.	Mrs Rosemarie Perrine	President Village Community Mont Lubin
3.	Mr Benjamin Leste	Ag Head, Probation
4.	Ms Anne Marie Danielle Milazar	Social Worker
5.	Ms Aline Allas	Social Worker
6.	Ms M. Anise Bégué	Social Worker
7.	Mrs M. Pricilla Emilien	Family Welfare and Protection Officer - Family Unit
8.	Mrs Carli Michaela	Family Welfare and Protection Officer- Gender Unit
9.	Mrs Marie Angelique Henriette	Health Agent
10.	Mrs Pierre Louis Marynette	Health Agent
11.	Claudia Speville Hortense	Social Worker
12.	Marie Line Perrine Polimon	Health Agent/Secretary Village Community
13.	Marie Paule Felicité	Social Worker
14.	Mrs Sillaneda Jabeemissur	Woman Police Constable
15.	Mr Emilien Jocelyn	Police Constable
16.	Mr Jean Paul C. Felicité	Police Constable
17.	Ms. Marianne Lovenia	Social Worker
18.	Ms Jemmy Augustin	Social Worker
19.	Mr Ronald Milazar	Chairman, Child Mentoring Committee
20.	Ms Pascalina Perrine	Social Worker
21.	Ms Anne Sophie Gaspard	Intern under STM Programme

Appendix D: List of participants at the validation workshop on 03 May 2019 at Palms Hotel, Quatre Bornes, Mauritius

S/N	Name	Designation
1.	Mrs. R. Venkatasawmy	Ombudsperson for Children
2.	Mrs. L. Jhugroo	Secretary, Ombudsperson for Children's Office
3.	Mr. I. Bawamia	Investigator, Ombudsperson for Children's Office
4.	Mrs. S. Pillay Mauree	Investigator, Ombudsperson for Children's Office
5.	Mrs. S. Johaheer	Investigator, Ombudsperson for Children's Office
6.	Ms. B. Jogarah	Investigator, Ombudsperson for Children's Office
7.	Dr T. Boodhoo	Licensed and Chartered Clinical Psychologist (Freelance)
8.	Mrs. P. Chowreemootoo	Senior Educational Social Worker, Ministry of Education & HR, TE & SR
9.	Mrs R. P. Fanny	Political Specialist, US Embassy
10.	Mr. H. Ghoorah	ASP, Brigade pour la Protection des Mineurs
11.	Ms. R. Kistnasamy	Member, Muvman Liberasyon Fam
12.	Ms. R. Lallah	Secretary, Muvman Liberasyon Fam
13.	Mrs. K. Lollchand	Principal Medical Social Worker, Victoria Hospital, Candos
14.	Mr. N. Ramasawmy	Principal Probation Officer, Ministry of Social Security, National Solidarity and Environment and SD
15.	Mrs. V. René	Coordinator, Alternative Care Unit, Ministry of Gender Equality, Child Development and Family Welfare
16.	Mrs. E. Saddul	Psychologist, Ministry of Gender Equality, Child Development and Family Welfare
17.	Mr. S. Tauckoory	Coordinator, Child Development Unit, Ministry of Gender Equality, Child Development and Family Welfare
18.	Mr. J. C. Fabrino Edouard	Administrative Officer, Commission for Child Development and Others
19.	Mrs. C. Fong Him	Family Welfare & Protection Officer, CDU Rodrigues
20.	Mrs. M. P. Emilien	Family Welfare & Protection Officer, Family Welfare Unit, Rodrigues
21.	Mrs. M. V. Brasse	Psychologist, Family Welfare Unit, Rodrigues
22.	Mrs. S. Jabeemissur	Woman Police Constable, Rodrigues
23.	Mrs. R. Perrine	Charge Nurse, Ministry of Health and Quality of Life, Rodrigues
24.	Mr. B. D. B. Leste	Senior Probation Officer, Rodrigues

Appendix E: Protocol of assistance for victims of sexual assault (young victims-child) from the Commissioner of Police's Circular No. 15/2006

PROTOCOL OF ASSISTANCE FOR VICTIMS OF SEXUAL ASSAULT (YOUNG VICTIMS-CHILD)

The Commissioner of Police's Circular No 15/2006 Protocol of Assistance to Victims of Sexual Assault specifies the following provisions (with some amendments for Rodrigues)

(a) Scenario 1 – When a victim of sexual assault (child) goes to the police station

- (i) When a victim of sexual assault goes to the respective police station to give a declaration concerning the offence, the victim is conveyed by the Police to the Casualty Department of the Queen Elizabeth Hospital, Creve Coeur. The Police will henceforth call on hotline 117 for a Family Welfare & Protection Officer of the Child Development Unit in whose presence the statement is taken.
 - (ii) The Police Officer contacts the Health Director, pending the recruitment of a Police Medical Officer, and makes arrangements for the early examination of the victim. The medical examination is done in the presence of a Family Welfare & Protection Officer. As and when required, the Family Welfare & Protection Officer will arrange for psychological support of the child.
 - (iii) The Medical Records Officer (casualty) will immediately inform the ward Manager or the Charge Nurse of the casualty about the case so that arrangement will be made forthwith to receive the victim who is then seen on a fast track by the Doctor for Emergency thereafter.
 - (iv) The ward Manager/ Charge Nurse will inform other Medical Officers, Ward Manager, Charge Nurse of designated Wards for admission of victims (Gynecologist or Pediatrician, Psychologist, Medical Social Worker) about the case so that they arrange to see the victim at the hospital.
 - (v) A specific ward has been earmarked by the Health Director for Children where the team mentioned at (IV) above will see the victim as and when required.
-
-

- (vi) Arrangement has been made at the level of the hospital for children (victims) to be treated in the presence of their mother/close female relative.
- (vii) Appropriate treatment for HIV/AIDS should be given to the victim.

(b) Scenario 2 – When a victim of sexual assault goes direct, to any regional hospital

- (i) The victim goes directly to the Casualty Department.
- (ii) The Ward Manager / Charge Nurse will inform the Police Post which in turn contacts the Police station in the locality of the hospital and makes arrangements for a statement of the victim to be taken. The Police Officer will then contact the Family Welfare & Protection Officer in hotline 117 for assistance.
- (iii) There shall be a Woman Police Constable in attendance to record the statement of female victim. For a child victim, the statement is taken in the presence of the Family Welfare and Protection Officer. Further statement would need to be taken, at a later stage, by Officers of the Police Station of the region where the offence took place;
- (iv) The Police Post informs the Family Welfare Unit of any case of sexual assault through hotline 117 or on 8324211 for adult victims. Subject to their consent, adult victims will be provided with psychological assistance by the Psychologist of the Commission.
- (v) Arrangements will be made at the level of the hospital for children victims to be treated in the presence of their mother/ close female relative;
- (vi) Appropriate treatment for HIV/ AIDS should be given to the victim.
- (vii) Government Medical Officer will make arrangement and timely submit report.

Appendix F: Extracts from 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)

Neglect or negligent treatment. Neglect means the failure to meet children's physical and psychological needs, protect them from danger, or obtain medical, birth registration or other services when those responsible for children's care have the means, knowledge and access to services to do so. It includes:

(a) Physical neglect: failure to protect a child from harm, including through lack of supervision, or failure to provide the child with basic necessities including adequate food, shelter, clothing and basic medical care;

(b) Psychological or emotional neglect: including lack of any emotional support and love, chronic inattention to the child, caregivers being "psychologically unavailable" by overlooking young children's cues and signals, and exposure to intimate partner violence, drug or alcohol abuse;

(c) Neglect of children's physical or mental health: withholding essential medical care;

(d) Educational neglect: failure to comply with laws requiring caregivers to secure their children's education through attendance at school or otherwise; and

(e) Abandonment: a practice which is of great concern and which can disproportionately affect, inter alia, children out of wedlock and children with disabilities in some societies (Section 20)

Mental violence. "Mental violence", as referred to in the Convention, is often described as psychological maltreatment, mental abuse, verbal abuse and emotional abuse or neglect and this can include:

(a) All forms of persistent harmful interactions with the child, for example, conveying to children that they are worthless, unloved, unwanted, endangered or only of value in meeting another's needs;

(b) Scaring, terrorizing and threatening; exploiting and corrupting; spurning and rejecting; isolating, ignoring and favouritism;

(c) Denying emotional responsiveness; neglecting mental health, medical and educational needs;

(d) *Insults, name-calling, humiliation, belittling, ridiculing and hurting a child's feelings;*

(e) *Exposure to domestic violence;*

(f) *Placement in solitary confinement, isolation or humiliating or degrading conditions of detention; and*

(g) *Psychological bullying and hazing by adults or other children, including via information and communication technologies (ICTs) such as mobile phones and the Internet (known as "cyberbullying"). (Section 21)*

Physical violence. *This includes fatal and non-fatal physical violence. The Committee is of the opinion that physical violence includes:*

(a) *All corporal punishment and all other forms of torture, cruel, inhuman or degrading treatment or punishment; and*

(b) *Physical bullying and hazing by adults and by other children. (Section 22)*

Corporal punishment. *In general comment No. 8 (para. 11), the Committee defined "corporal" or "physical" punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, caning, forcing children to stay in uncomfortable positions, burning, scalding, or forced ingestion. In the view of the Committee, corporal punishment is invariably degrading. Other specific forms of corporal punishment are listed in the report of the independent expert for the United Nations study on violence against children (A/61/299, paras. 56, 60 and 62). (Section 24)*

Sexual abuse and exploitation. *Sexual abuse and exploitation include:*

(a) *The inducement or coercion of a child to engage in any unlawful or psychologically harmful sexual activity;*

(b) *The use of children in commercial sexual exploitation; and*

(c) *The use of children in audio or visual images of child sexual abuse;*

(d) *Child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries) and sale of children for sexual purposes and forced marriage. Many children experience sexual victimization which is not accompanied by physical force or restraint but which is nonetheless psychologically intrusive, exploitive and traumatic. (Section 25)*

Torture and inhuman or degrading treatment or punishment. This includes violence in all its forms against children in order to extract a confession, to extrajudicially punish children for unlawful or unwanted behaviours, or to force children to engage in activities against their will, typically applied by police and law-enforcement officers, staff of residential and other institutions and persons who have power over children, including non-State armed actors. Victims are often children who are marginalized, disadvantaged and discriminated against and who lack the protection of adults responsible for defending their rights and best interests. This includes children in conflict with the law, children in street situations, minorities and indigenous children, and unaccompanied children. The brutality of such acts often results in life-long physical and psychological harm and social stress. (Section 26)

Violence among children. This includes physical, psychological and sexual violence, often by bullying, exerted by children against other children, frequently by groups of children, which not only harms a child's physical and psychological integrity and well-being in the immediate term, but often has severe impact on his or her development, education and social integration in the medium and long term. Also, violence by youth gangs takes a severe toll on children, whether as victims or as participants. (Section 27)

Self-harm. This includes eating disorders, substance use and abuse, self-inflicted injuries, suicidal thoughts, suicide attempts and actual suicide. Suicide among adolescents is of particular concern to the Committee. (Section 28)

Violence in the mass media. Mass media, especially tabloids and the yellow press, tend to highlight shocking occurrences and as a result create a biased and stereotyped image of children, in particular of disadvantaged children or adolescents, who are often portrayed as violent or delinquent just because they may behave or dress in a different way. Such stirred-up stereotypes pave the way for State policies based on a punitive approach, which may include violence as a reaction to assumed or factual misdemeanours of children and young persons. (Section 30)

Violence through information and communications technologies. Child protection risks in relation to ICT comprise the following overlapping areas:

(a) Sexual abuse of children to produce both visual and audio child abuse images facilitated by the Internet and other ICT;

(b) The process of taking, making, permitting to take, distributing, showing, possessing or advertising indecent photographs or pseudophotographs ("morphing") and videos of children and those making a mockery of an individual child or categories of children;

(c) Children as users of ICT:

(i) As recipients of information, children may be exposed to actually or

potentially harmful advertisements, spam, sponsorship, personal information and content which is aggressive, violent, hateful, biased, racist, pornographic, unwelcome and/or misleading;

(ii) As children in contact with others through ICT, children may be bullied, harassed or stalked (child “luring”) and/or coerced, tricked or persuaded into meeting strangers off-line, being “groomed” for involvement in sexual activities and/or providing personal information;

(iii) As actors, children may become involved in bullying or harassing others, playing games that negatively influence their psychological development, creating and uploading inappropriate sexual material, providing misleading information or advice, and/or illegal downloading, hacking, gambling, financial scams and/or terrorism. (Section 31)

Appendix G: Roles and responsibilities of agencies and professionals involved in the Protocol

Name of agency/professional	Roles and responsibilities
The Child Development Unit (Rodrigues)	<p>The Child Protection Act 1994 requires the Child Development Unit (CDU) to oversee the island's child protection mandate. The functions of the Child Development Unit are briefly stated as follows:</p> <ul style="list-style-type: none">• To provide for protection services to victims of violence, abuse and neglect on a 24/7 basis;• To provide for hotline service with respect to reporting of a case and counselling as appropriate;• To provide victims with follow-up sessions to ensure recovery from trauma and thereafter their re-insertion in society;• To prepare and support children victims of violence for legal encounters;• To provide for Early Childhood Development services to the cohort of 0-3 years;• To actively promote foster care as an alternative placement for children in need of protection.
Brigade pour la Protection des Mineurs	<p>The Police has specialized units relevant to child protection: The Police Family Protection Unit and the 'Brigade pour la Protection des Mineurs' (BPM). The BPM works in close collaboration with the CDU to combat child trafficking, abandonment and abduction, and raise awareness on the strict penalties which violation of the Child Protection Act 1994 may entail. The BPM's functions are as follows:</p> <ul style="list-style-type: none">• To immediately communicate any reports of child abuse to the Child Development Unit;• To investigate alleged criminal acts that occur within the context of child abuse. Such investigations are to be conducted in a timely fashion;

Brigade pour la Protection des Mineurs (ctd)	<ul style="list-style-type: none"> • To lay criminal charges where appropriate. The appropriateness of laying a charge may be informed by consultations with the Family Welfare and Protection Officer and Director of Public Prosecution's Chambers; • To assist the Child Development Unit in the apprehension and removal of children who are deemed in need of protection; and • To provide an emergency response to children in need of protection.
Probation and Aftercare Service (Rodrigues)	<p>The main functions of this service are:</p> <ul style="list-style-type: none"> • To conduct social enquiries for Courts, Solicitor General's Office, Office of the Director of Public Prosecutions and other agencies with a view to helping in decision making; • To supervise and rehabilitate offenders and other persons in the community • To impart pro-social skills to offenders and other persons in Attendance Centres • To provide institutional care to juvenile offenders and uncontrollable minors; • To provide counselling and mediation to people in conflicts; and • To engage in prevention against anti-social and other problems.
Family Welfare and Protection Officer (Rodrigues)	<p>The following are the main roles and responsibilities related to child abuse cases expected of the FWPO within the Child Development Unit:</p> <ul style="list-style-type: none"> • To promote the protection and development of children; • To investigate into cases of abuse against children through social enquiries and take appropriate remedial action; • To organise activities in relation to the development of children; • To be responsible for the supervision and control of Day Care Centres and conduct Early Childhood Development Programmes; • To be responsible for the issue of licensing and formal registration

**Family Welfare and
Protection Officer
(Rodrigues) - ctd**

of Child Day Care Institutions;

- To implement the policy of Government relating to protection and welfare of children in general through a National Parental Empowerment Programme;
- To execute the protocol of assistance for child victims of sexual assaults;
- To assist child victims of ill-treatment and to report cases of emotional/psychological violence, physical violence, neglect or sexual violence in general at the level of the Child Protection Unit and/or at Police Stations;
- To be responsible for the conveyance of children from shelters and other places of safety to court and back;
- To assist families in need especially in deprived regions and towards their rehabilitation;
- To keep a record of all cases reported and attended for investigation and follow-up purposes and to record statistics of cases and its updating;
- To accompany child victims to a safe place or to hospital/dispensary/area health centre if medical/surgical treatment is required;
- To accompany child victims to court for application of court orders;
- To refer cases to Family Counselling Officers, Psychologists and Legal Advisers;
- To make report for each case and ensure that any order issued is being enforced and complied with and that psychological help and legal assistance have been provided;
- To undertake proceedings for provision of other types of aid which victims and/or dependants may require;
- To submit regular reports, as may be directed, on all cases attended to;
- To assess and make arrangement for referral services to other

Family Welfare and Protection Officer (Rodrigues) - ctd	<p>Units/Institutions for children and families as need be;</p> <ul style="list-style-type: none"> • To organise and conduct regular Information, Education and Communication programmes throughout the country in order to raise greater awareness among the population on Convention for the Rights of the Child, Child Protection Act and other relevant issues pertaining to Child Protection and Child Development; • To assist in the registration, supervision, monitoring and training of foster parents/families; • To arrange for matching and placement of children in need of foster care; • To provide ongoing support to the biological families for the reintegration of their children in the family; • To be on call on a roster basis to attend cases of child abuse; • To answer phone calls received through the hotlines of the Commission for the purpose of first hand counselling, advice or intervention into cases, as appropriate; and • To assist and attend to cases of Tardy Declaration of Birth of both children and adults.
Social Worker (Rodrigues)	<p>The main roles and responsibilities of a Social Worker in Rodrigues related to child cases are as follows:</p> <ul style="list-style-type: none"> • to liaise with schools and the community to identify cases of children needing special attention; • to establish links between home, school and community or other relevant institutions in respect of children suffering from social, emotional and behavioural problems; • to visit students' families and provide practical assistance; • to provide group/individual counselling outside the classrooms and during outdoor visits to address factors which impede learning; • to work in collaboration with heads of schools to address problems of school violence, absenteeism and drop-outs;

Social Worker (Rodrigues) - ctd	<ul style="list-style-type: none"> • to identify children of school going age who are not attending school and conduct parent education programmes for necessary guidance; • to liaise with other institutions/departments for talks, preventive programmes, parent education sessions and ensure necessary follow-up for effective impact; and • to assist in collecting, updating and recording data regarding cases of children needing special attention. • to refer cases to appropriate government and non-governmental social services; • to advise children and families on institutional services available for rehabilitation; and • to undertake psychosocial and biomedical studies and related research work.
Psychologist / Clinical Psychologist	<p>The main duties of the Psychologist / Clinical Psychologist are:</p> <ul style="list-style-type: none"> • To assess therapeutic needs of children and their families; • To provide psychological assessment and treatment services for children and their families; • To make referral, where appropriate, for admission to hospital for psychiatric treatment; • To assist staff in assessing the risk posed by the perpetrators; • To provide psychotherapy and counselling to children and their families; • To provide treatment services to perpetrators; • To train staff dealing with children and their families and to provide training on counselling techniques; • To conduct mass counselling sessions and talks/sensitisation programmes; • To prepare reports for other services such as court and police, as and when required;

Psychologist / Clinical Psychologist - ctd	<ul style="list-style-type: none"> • To provide couple/marital counselling; • To effect visits and provide psychological assistance to families in distress, victims of domestic violence and victims of sexual assault amongst others; • To conduct individual/group therapy with victims of domestic violence; • To attend to cases referred by the Foster Care Unit/Child Protection and Family Welfare Unit, that is, assessment of foster children and prospective foster parents and psychological follow-up with foster families and siblings; • To participate in the Family Rehabilitation Programme for periodic review of placement of children; • To participate in the Child Mentoring Programme; and • To assist in the Family Court/Court of Rodrigues with supervised visits and reporting as appropriate, as and when required.
Commission for Health	<p>In cases of child abuse:</p> <ul style="list-style-type: none"> • The medical / paramedical officers should report cases to Health Social Workers. • For medical examination of minors, it has to be ensured that the parent/legal guardian and the Police are present. If the parent is the perpetrator or is absent for any reason, an officer of the CDU can assist with the process. • A soft room for the medical examinations should be earmarked at the hospital and health centres to ensure the privacy of the child.
Commission for Education	<p>The following arrangements are available to report on and handle cases of child abuse reported within educational institutions across Rodrigues:</p> <ul style="list-style-type: none"> • Rodrigues Educational Development Company has hired a full-time Social Worker and a Psychologist since 01 June 2017. • An Educational Psychologist and three Social Workers were hired since 13 April 2017 and November 2018 respectively to work in

Commission for Education - ctd	<p>government primary schools.</p> <ul style="list-style-type: none">• The Roman Catholic Education Authority in Rodrigues have their own counsellors.• Rodrigues College has recruited a part-time Social Worker.• Rectors/Headmasters have a responsibility to inform the Social Worker (Education Service) if they identify any case of children needing social support.• In cases of rape, sexual abuse or assault, the Rector/Headmaster should inform the police nearest to their institution and the CDU or BPM.• The consent of the parents should be sought before taking any actions, unless parental authority has been withheld by a Court order.
Ministry of Justice and the Office of the DPP	<p>The main functions of these agencies are:</p> <ul style="list-style-type: none">• To provide the legal services, including advice and representation, for all matters brought under the Child Protection Act;• To receive and act on instructions from their client, the Child Development Unit, in the preparation of all child protection matters;• To ensure criminal prosecution of child abuse cases, as appropriate, in consultation with officers of the CDU;• To assist with the preparation of witnesses for court appearances, drawing on the services of the CDU whenever necessary or appropriate;• To minimise the trauma of the child victim throughout all legal proceedings; and• To designate a legal counsel as the special advocate for child abuse victims.



"We owe our
CHILDREN -
the most vulnerable
citizens in any society -
a life free from
VIOLENCE AND FEAR."

- Nelson Mandela



OMBUDSPERSON FOR CHILDREN'S OFFICE

1st Floor, NPF Building, Rue des Artistes, Beau-Bassin, Mauritius
Tel: (230) 454-3010, 454-3020 | Fax: (230) 454-3037
Email: ombudschild@govmu.org | Website: <http://oco.govmu.org>

