**Ministry of Foreign Affairs, Regional Integration and International Trade**

**(Human Rights Division)**

**Material for the Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on “Addressing the vulnerabilities of children to sale and sexual exploitation in the framework of the sustainable Development Goals”**

1. **Introduction**

1.1 The State of Mauritius is committed to, and is continuously progressing towards, a society where the rights and the best interests of children are amongst the primary concerns. It is also party to the various international instruments which safeguard the human rights of children, including amongst others:

1. the Convention on the Rights of the Child;
2. the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
3. the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. However, the concerns addressed by this instrument do not apply to the country;
4. the International Convention on the Elimination of All Forms of Racial Discrimination;
5. the African Charter on the Rights and Welfare of the Child;
6. the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa;
7. the Hague Convention on the Civil Aspects of International Child Abduction;
8. the UN Convention against Transnational Organised Crime; and
9. the Protocol to Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the UN Convention.

1.2 Moreover, there is a wide array of general legal provisions/legislations in Mauritius aiming at protecting the Mauritian Child from harm and include, *inter alia*:

1. the Children’s Act;
2. the Children’s Court Act;
3. the Child Sex Offender Register Act;
4. the Criminal Code;
5. the Ombudsperson for Children Act;
6. the Convention on the Civil Aspects of International Child Abduction Act;
7. the Early Childhood care and Education Authority Act;
8. the Protection from Domestic Violence Act; and
9. the Combating of Trafficking in Persons Act.
10. **Factors exposing children to sale and sexual exploitation**

2.1 There are several potential external factors that can lead to the sale and sexual exploitation of children in Mauritius, such as, social norms, poverty and unemployment, sexual taboos and limited sexual education as well as early drop out from schools.

2.2 Moreover, consumerism is playing an increasing role in the commercial sexual exploitation of children worldwide. Influenced by peer pressure to belong and conform to the value that society places on expensive, brand-name products and luxury goods and services, some children and adolescents may be persuaded to exchange sexual services for money or status products. This phenomenon has been reinforced through advertising and other media.

2.3 The COVID-19 pandemic has also led to an unprecedented rise in screen time amongst children. School closures have led to an increase in internet access and mobile cell phones subscriptions as well as children relying on technology and digital solutions for learning purposes and hence leaving them connected to the outside world. It is worth noting that not all children have the necessary knowledge, skills and resources to keep themselves safe online. Not only are they transiting to the online world for the very first time, but they are also spending extra time online. Spending more time on virtual platforms can leave children vulnerable to online sexual exploitation and grooming by predators who are constantly looking for preys, often hiding behind a fake profile. Besides, the lack of face-to-face contact with friends may lead to heightened risk-taking such as sending sexualized images. Increased and free time online may also expose children to potentially harmful, violent and age-inappropriate content.

2.4 The growth in the use of the internet and new technologies has intensified the risk of engaging in this behaviour online. While bringing many benefits and opening up unprecedented opportunities, the expansion in information and communication technologies has had a significant impact on children’s social norms. The exposure of children to child pornography inspires and influences their sexual practices and affects their behaviour. Prevailing standards and peer pressure have led children to share indecent photographs of themselves, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability of child pornography.

2.5 In addition, with the new economic era and ensuring high competitiveness of businesses, parents required to spend longer hours at work are leaving children unattended. The risk of exploitation of children are particularly high when:

1. families are unable to fulfil their protective role;
2. there is the prolonged absence of one or both parents;
3. there is a lack of parenting skills; and
4. families have insufficient resources.

2.6 Being one of the top tourism destinations in the region, children in Mauritius may be vulnerable to sexual exploitation by tourists.

1. **Statistical data with regards to child abuse in Mauritius:**

3.1 Statistics Mauritius collects comprehensive data based on all areas of the UN Convention on the Rights of the Child including gender, age, type of disability, locality, school attendance, educational attainment, trafficking and sexual exploitation of children amongst others.

3.2 Concurrently, the Ministry of Gender Equality and Family Welfare (MGEFW) in consultation with Statistics Mauritius annually publishes, a report entitled Statistics in Mauritius – A Gender Approach. It is based on sex-disaggregated data collected on issues pertaining to women and children.

3.3 Moreover, at the level of the Mauritius police force, the Crime Records Office and the Police Family Protection Unit collect data in respect to cases involving children in a systematic way and include age, sex, geographic location, nature of offence. These data are forwarded to the MGEFW on a monthly basis through the Office of the Commissioner of Police. All cases of child trafficking, sexual abuse of child, child prostitution and other child related cases are recorded by Police and documented by the Crime Records Office.

3.4 A breakdown of the number of cases of child abuse registered at the Child Development Unit (CDU) for the Year 2020 and 2021 is as follows:

|  |  |  |
| --- | --- | --- |
| **Nature of Problem** | **January to December 2020** | **January to November 2021** |
| **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| Abandonment  | 24 | 22 | 46 | 33 | 20 | 53 |
| Physical abuse/Battered child | 316 | 300 | 616 | 233 | 231 | 464 |
| Neglect cases | 509 | 496 | 1005 | 351 | 345 | 696 |
| Worst forms of Labour | 7 | 4 | 11 | 8 | 14 | 22 |
| Sexual abuse (including incest) | 106 | 427 | 533 | 73 | 349 | 422 |
| Psychological/emotional abuse | 525 | 589 | 1114 | 324 | 406 | 730 |
| Teenage mothers | 0 | 115 | 115 | - | 67 | 67 |
| Teenage pregnancy | 0 | 251 | 251 | - | 205 | 205 |
| Custody of child | 560 | 629 | 1189 | 403 | 494  | 897 |
| Other | 496 | 541 | 1037 | 371 | 452 | 823 |
|  | 2543 | 3374 | 5917 | 1796 | 2583 | 4379 |

No. of cases of child abuse as registered at the CDU

Source: Statistics Section

1. **Measures undertaken by the State of Mauritius**

4.1 Legislative framework

4.1.1 The Children’s Act 2020, the Children’s Court Act 2020 and the Child Sex Offender Register Act 2020 were passed in the National Assembly in December 2020 with a view to harmonizing all laws relating to good development, well-being and protection of children. These Acts came into effect on 24 January 2022, following their proclamation and can be accessed on <https://gender.govmu.org/Pages/Legislations.aspx>. Pursuant to the Children’s Act, the definition of the child has been reviewed and refers to any person under the age of 18 years.

4.1.2 The Children’s Act focusses extensively on ‘marriage of, or cohabitation with a child.’ For example, under Part III – Offences Against Children – Sub-part A – Offences (Section 12), it is prohibited and an offence to:

1. marry a child, whether civilly or religiously;
2. cause or force a child to be married, whether civilly or religiously;
3. live together with a child, under the same roof, either as spouses or unmarried partners;

or

1. cause or force a child to live together with another person, under the same roof, either as spouses or unmarried partners.

Consent is not a defence and any person who is convicted of an offence under section 12, is liable to a fine not exceeding one million rupees and to imprisonment for a term not exceeding 10 years.

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

4.1.4 The Children’s Act also makes provision for the establishment of a ‘Child Services Coordination Panel’, which shall be responsible of the coordination of all activities relating to the implementation of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Child Services Coordinating panel came into operation in October 2021.

4.1.5 The Child Sex Offender Register Act aims to establish a Child Sex Offender Register, to be known in short as the CSO Register, which would monitor and keep track of persons in the community who have been found guilty of committing sexual offences against children. It would also help in detecting and investigating sexual offences against children. The Child Sex Offender Register is being kept and managed by the Commissioner of Police. It contains details such as the personal information of the registrable offender and the offence for which the offender has been convicted. These details may be shared with international institutions and collaborators.

4.2 Access to education for all

4.2.1 The Republic of Mauritius recognises the right of everyone to education and has been providing free, universal, primary education. In line with internationally accepted best practices, Section 37 of the Education Act provides for education to be mandatory for all children up to age of 16. Education is also free up to tertiary level in all public higher education institutions. Mauritius also caters for learners with special education needs. The Special Education Needs (SEN) sector under the Ministry of Education, Tertiary Education, Science and Technology ensures that no learner be left outside the education system on the basis of his/her disability. The SEN Strategy sets out the framework for children requiring special education needs in Mauritius to enjoy access to relevant and high-quality education.

* + 1. With a view to retaining students, both boys and girls in schools, Mauritius as a Welfare State, adopted the following measures:
1. free transport to and from educational institutions to all school children to facilitate access to education to all;
2. free textbooks to all primary school children;
3. social security grants to students from poor families who are registered under the Social Register of Mauritius (SRM) (see: [Schemes (govmu.org)](https://socialintegration.govmu.org/Pages/About%20Us/Schemes.aspx));
4. free sanitary towels to girls from grade 6 to grade 13;
5. free optical glasses for those aged up to 21 years old;
6. increase in the meal allowance for students attending ZEP schools by 50 per cent (from Rs 40 to Rs 60 per day);
7. provision of free access of broadband internet to vulnerable families;
8. provision of 2,570 tablets to families registered in the SRM;
9. provision of grants and scholarships to both boys and girls;
10. introduction of a Student Loan Scheme for both sexes for full time/part time students at undergraduate level with Government acting as guarantor;
11. greater curricular relevance with the introduction of new subjects — Entrepreneurship Education, Travel & Tourism and while the HSC Professional (an alternative to HSC/‘A’ Level) was introduced in 2015 for all students; and
12. broadening access to Technical and Vocational Education and Training (TVET) courses for greater participation of all young people and stronger awareness of the practical realities of the world of work for future employability.

4.3 Child labour

4.3.1 Mauritius is a member state of the International Labour Organization (ILO) since 1969 and has so far ratified 51 ILO Conventions, including ILO Convention No. 138 on Minimum Age and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour amongst others. The principles advocated by these Conventions are enshrined in our labour legislation.

4.3.2 The Worker’s Rights Act provides that a child below the age of 16 cannot enter into an employment contract, and that an employer shall not keep in employment a young person where the work is of such a nature, or the circumstances in which it is carried out, is likely to jeopardise the health, safety or physical, mental, moral or social development of the young person, which is unsuitable or is likely to interfere with the young person’s education.

4.3.3 The Inspection and Enforcement Section (IES) under the aegis of the Ministry of Labour, Human Resource Development and Training is mandated to carry out full-scale inspections at workplaces to enforce and ensure compliance with provisions of the labour legislation as well as to detect and sanction any case of non-compliance. Every inspection carried out is also done to detect cases of child labour, other than surprise child labour inspections which are carried out by officers of the Enforcement Unit (Regional Labour offices) on a regular monthly basis all around the island.

4.3.4 If there is a complaint concerning child abuse, the case is referred to the Child Development Unit (CDU) of the MGEFW, which is responsible for child development. The CDU is mandated by law to investigate cases in the field and assess the situation. In particular, it must evaluate the child family situation and take specific decisions on how to help the child to overcome his difficulties. This would often imply that the child must be seen by a psychologist and may need to be medically examined.

4.3.5 The IES currently has 17 regional labour offices scattered over the island in addition to a Special Migrant Workers Unit (SMWU) based at Headquarters.

4.4 Children in street situations

4.4.1 With regards to children in street situations, the MGEFW commissioned the University of Mauritius for the development of a Comprehensive Strategy on Street Children in July 2016. The objectives of the Strategy were, inter alia, to assess the nature and magnitude of the problem of street children in Mauritius, examine their situation and make recommendations in the form of an action plan. The collaboration of the National Empowerment Foundation was also sought to provide assistance to the children deemed to be living in street situations.

4.4.2 Moreover, NGOs play an important role in ensuring that the rights of the child are upheld. For instance, Safire, an NGO dealing with street children, provides the following assistances:

1. identifies street children and children living in difficult circumstances, provide support to them, guide them with the necessary life skills in order to avoid the pitfalls of delinquency, substance abuse and HIV /AIDS;
2. ensures their integration in society and to help them become positive role models;
3. provides support and guidance to their families and to the community at large;
4. sensitises public opinion on the situation of children living in difficult circumstances including street children and advocate for their integration in society; and
5. undertakes such activities as is ancillary to enhance the welfare of children in general.

4.5 Protection to victims of child abuse, including sale and sexual exploitation

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

4.5.2 All reported cases of sale and sexual exploitation of children are evaluated or assessed on an individual/case to case basis, wherein the right approaches, interventions and follow-ups are undertaken to tackle the cases, using a rights-based approach. Remedial and recovery services are provided, taking into account the victim’s personalised care plan. Moreover, adequate measures are taken throughout the process to avoid further victimisation and distress of the children.

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

4.5.4 The Police Department has set up a Specialised Unit known as *Brigade Pour La Protection des Mineurs* (BPLPDM) to deal with cases of sale and sexual abuse involving children. All cases reported at the level of the MGEFW are immediately referred to the BPLPDM. Measures are also taken to facilitate the tracking of child trafficking/child prostitution cases and Commercial Sexual Exploitation of Children (CSEC) with the support of BPLPDM, as well as providing for psycho- social support and alternative skilling to victims of trafficking. The BPLPDM also carries-out regular raids and operations in game houses, hotels, discotheques and any areas where child abuse is suspected.

4.5.5 The Police Department also intervenes to determine whether minors are involved in the Online Child Sexual Abuse cases. It encourages victims to contact the Cybercrime Unit to either register their complaints at Police Stations nearest to their place of residence or report same on the Mauritian Cybercrime Online Reporting System (MAUCORS), which is an online reporting system setup by the Computer Emergency Response Team- Mauritius (CERT-MU).

4.5.6 Moreover, the Office of the Ombudsperson for Children, which is an independent National Human Rights Institutions, has been set up to:

1. ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals;
2. promote the rights and interests of children; and
3. promote compliance with the Convention on the Rights of the Child.

The Office of the Ombudsperson for Children Office investigates independently into all alleged cases of child abuse reported to them in line with their mandate.

4.5.7 Additional steps undertaken by Mauritius to protect victims can be found at Part 1 of the ***Annex.***

4.6 Sensitisation campaigns and counselling

4.6.1 Regular Information, Education and Communication (IEC) campaigns to address the issue of CSEC, inclusive of Child Trafficking and Prostitution are carried-out. The campaigns are conducted through the School Child Protection Club, Children’s Club, Atelier Partage Parents, Community Child Protection Programme (CCPC), ‘Caravan de Proximite’ and through the varied awareness talks carried-out by the CDU and upon requests from the various stakeholders such as Ministries, Non-Governmental Organisations, the civil society. Additional information on sensitisation campaigns and counselling services can be found at Part 2 of the ***Annex***.

4.7 Care, Recovery and Rehabilitation of sexual abuse victims

4.7.1 Children victims of abuse are often separated from their families. Similarly, children with utterly non-stable families are placed in Shelters. These children are provided with permanent residential care facilities following the issue of Committal Orders. These institutions are Governmental and Non-Governmental Organisations which work in collaboration with the MGEFW. There are currently 22 shelters in Mauritius, namely 04 Government-owned shelters and 18 Non-Governmental-owned Shelters.

4.7.2 Moreover, the Government, through the CDU, provides victims with a series of services to help in their rehabilitation and reintegration in the society. The Child Rehabilitation Services is mandated to ensure rehabilitation between the children and their biological parents through regular parental visits, with the aim of returning them to their family. A breakdown of the services provided in this respect by the MGEFW is provided at Part 3 of the ***Annex.***

**10.03.2022**