



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined sixth and seventh periodic reports of Mauritius\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 June 2021. The replies should take into consideration the Committee's recommendations contained in its concluding observations (CRC/C/MUS/CO/3-5) adopted on 30 January 2015. The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention, the Optional Protocol thereto on the involvement of children in armed conflict and the Optional Protocol thereto on the sale of children, child prostitution and child pornography;

(b) Information, as appropriate, on measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic on children;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on opportunities and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation, monitoring and evaluation of measures for achieving the Sustainable Development Goals, including with regard to child participation and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

#### II. Rights under the Convention and the Optional Protocols

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Legal status of the Convention and legislation

4. Please provide information on the following:

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\* Adopted intersessionally by the pre-sessional working group on 6 July 2020.



- (a) Any measures taken to ensure that all the principles and provisions of the Convention are fully incorporated into the domestic legal system;
- (b) Any steps taken to review existing laws to ensure that they are harmonized and in full compliance with the Convention;
- (c) The status and scope of the children's bill introduced in the National Assembly on 17 September 2019;
- (d) Whether a child-rights impact assessment procedure is in place for all new legislation;
- (e) The steps taken to ratify the Optional Protocol to the Convention on a communications procedure, signed by the State party on 13 August 2012.

**Comprehensive policy, strategy and coordination**

5. Please describe the following:
- (a) The steps taken to develop a comprehensive policy and strategy covering all rights under the Convention at the national level and for Rodrigues;
  - (b) The most recent findings of the monitoring committee on the implementation of the national human rights action plan for the period 2012–2020;
  - (c) The steps taken to establish an institutional mechanism at a high interministerial level to coordinate activities relating to the implementation of the Convention in the State party across sectors at the national, regional and local levels;
  - (d) The mandate and resources of the National Children's Council, the Ministry of Gender Equality and Family Welfare and the national Human Rights Monitoring Committee regarding the coordination of activities to protect and promote children's rights.

**Allocation of resources**

6. Please explain how a child-rights approach is included in the preparation of the State budget and whether regular benefit incidence analyses are undertaken to assess the impact of budgetary allocations on children. Please provide information on the measures taken to assess whether the budgetary allocations across the various activities supporting the realization of children's rights make the most efficient use of available funds.

**Data collection**

7. Please inform the Committee of measures taken to ensure that data collected by the national statistical office covers all areas of the Convention, including trafficking in children, the sexual exploitation of children, in particular in the tourism and travel sector, and children with disabilities, and to ensure that the data are shared among the ministries concerned and used for the formulation, monitoring and evaluation of laws, policies, programmes and projects for the effective implementation of the Convention.

**Independent monitoring**

8. Please specify the role, composition, mandate and resources of the National Human Rights Commission, in particular regarding the protection and promotion of children's rights, and of the Ombudsperson for Children.

**B. Definition of the child (art. 1)**

**Minimum age of marriage**

9. Please inform the Committee of any steps taken to amend the Civil Code of 1808 to remove articles 145 to 148, which allow for marriage from 16 years of age, as exceptions to the minimum age of marriage of 18 years of age under article 144, and to amend article 2 of the Child Protection Act of 1994, which defines a child as an unmarried person below 18 years of age.

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

10. Please provide information on the following:

(a) The measures taken to prevent and address discrimination and to ensure access to social services for children in marginalized and disadvantaged situations, in particular children in street situations, children who are victims of violence and abuse, including sexual violence, children using drugs, children deprived of a family environment, children with disabilities and children in the child justice system;

(b) The steps taken to protect children who speak Creole from discrimination and stigmatization, including through recognition of Creole as an official language, by prohibiting discrimination on the grounds of language in the Equal Opportunities Act of 2008 and by providing education and related material in the Creole language;

(c) The measures taken to improve the living conditions of the children of Mauritians who were residing in the Chagos Archipelago when it was separated from the State party in 1965 and who now live on the mainland of Mauritius;

(d) The awareness-raising activities conducted by the State party among children to ensure that they know of and have access to the Equal Opportunities Commission.

### **Best interests of the child**

11. Please inform the Committee about the measures taken to ensure that the best interests of the child are a primary consideration when drafting, adopting and reviewing legislation and policies that have an impact on the enjoyment by children of their rights and to develop and disseminate related policies, procedures, criteria and guidance to all relevant professionals.

### **Respect for the views of the child**

12. Please provide information about the rules and procedures adopted by the judicial and administrative authorities to guarantee and effectively implement the right of the child to be heard in any decision affecting her or him. Please also specify the measures taken to promote and enhance the participation of children in the family, school and community.

## **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

### **Birth registration, nationality and statelessness**

13. Please provide information on the measures taken to facilitate the late declaration of births. Please also describe any steps taken to establish a national mechanism for the determination of statelessness, including legal safeguards to grant nationality at birth to children born in the country or adopted by a woman who would otherwise be stateless.

### **Right to privacy**

14. Please explain the measures taken to ensure that children's right to privacy, in particular for children who are victims of abuse or who have been in contact with the child justice system, is fully respected by the media.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

15. Please provide information on the efforts taken to explicitly prohibit corporal punishment in all settings and to enforce existing legislation, such as article 13 (1) of the Child Protection Act of 1994 and regulation 13 (4) of the Education Regulations of 1957.

**Abuse and neglect**

16. Please inform the Committee about the following:

(a) The steps taken to prevent, investigate, prosecute and punish any abuse and neglect of children, including of children with disabilities residing in institutions run by non-governmental organizations;

(b) The mechanisms in place to monitor and evaluate the implementation of the Protection from Domestic Violence Act of 1997 and the Child Protection Act of 1994;

(c) The measures taken to protect children from violence under the Child Protection Act of 1994, the national child protection strategy and its action plan for the period 2014–2020 and the child safety online action plan;

(d) The human, technical and financial resources allocated to the Child Development Unit of the Ministry of Gender Equality and Family Welfare and the training received by its staff, as well as the capacity of the Independent Police Complaints Commission to address complaints of abuse and neglect received from or on behalf of children;

(e) The status of the establishment of the Integrated Support Services against Domestic Violence and the counselling and assistance provided to children who are victims of abuse and neglect.

**Sexual exploitation and abuse**

17. Please provide information about the following:

(a) Any steps taken to amend article 249 (3) and (4) of the Criminal Code of 1838 with regard to the limitations in the protection of children from “indecent acts” and “sexual intercourse”, respectively, and article 249 (7), which states that it is “sufficient defence” if “the person charged had reasonable cause to believe that the child was above the age of 12 or 16”;

(b) The measures taken to strengthen the investigation and prosecution of cases of sexual exploitation and abuse of children, including under the fast-track procedure of the Office of the Director of Public Prosecutions, and to ensure that children who are victims are provided with redress, including compensation and rehabilitation, and support;

(c) The legislation enacted and the measures taken, including awareness-raising activities at the local level, to protect children, in particular girls, from online sexual exploitation and abuse, from sexual exploitation and abuse in the tourism and travel sector and from gender-based violence and to assess and address the root causes of the sexual exploitation of children;

(d) The mechanisms, including child-friendly reporting mechanisms, and regulations in place to facilitate the reporting of cases of sexual exploitation and abuse of children;

(e) The recovery and reintegration programmes available to children who are victims of sexual exploitation and abuse;

(f) The steps taken to systematically collect data on cases of sexual exploitation and abuse of children.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20, 21, 25 and 27 (4))****Family environment**

18. Please inform the Committee about the following:

(a) The current activities under the national parent empowerment programme and other programmes to support families;

(b) The measures taken to help mothers and fathers to share responsibility for their children on an equal basis in all matters;

(c) The steps taken to ensure that, in the context of polygamous and/or unregistered religious marriages, in particular with regard to the custody of children, judicial and administrative decisions are taken on the basis of the principle of the best interests of the child and that the views of children are taken into account.

#### **Children deprived of a family environment**

19. Please explain the measures taken to:

(a) Collect data on and carry out regular monitoring of the situation of children who are deprived of a family environment and the services provided to them;

(b) Support and facilitate family-based care for all children deprived of a family environment;

(c) Ensure the periodic review of the placement of children in foster care and alternative care institutions and monitor the quality of care therein, including by providing complaint mechanisms accessible for children;

(d) Adopt the draft adoption act;

(e) Ensure that any adoption, domestic or international, is in accordance with the best interests of the child and that Mauritian adoptive parents are efficiently identified, screened and supported in the adoption process.

#### **Children of incarcerated parents**

20. Please describe the measures taken to:

(a) Encourage members of the judiciary to give primary consideration to the best interests of children when sentencing their caregivers;

(b) Provide appropriate and adequate services and facilities in prisons for the children of incarcerated mothers;

(c) Ensure that children who do not live with their incarcerated parent have a right to regular direct and physical contact and psychological and other support services.

### **G. Children with disabilities (art. 23)**

21. Please provide information on the following:

(a) Legislation to protect and promote the rights of children with disabilities, including the status of the draft disability act, and the steps taken to adopt a human rights-based approach to disability;

(b) The measures in place to prevent the forced sterilization of girls with disabilities;

(c) The awareness-raising activities undertaken to prevent discrimination against and the stigmatization of children with disabilities;

(d) The steps taken to prevent the institutionalization and placement of children with disabilities in so-called “*centres de sauvegarde*”, to deinstitutionalize them and to provide support to families with children with disabilities;

(e) The measures taken, including under the education and human resources strategy and plan of implementation for the period 2008–2020, to ensure that children with disabilities have access to inclusive education and leisure, play and cultural activities, with adequate support;

(f) The appropriate health and rehabilitation services available to children with disabilities.

**H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)****Health and health services**

22. Please specify the measures taken to:

- (a) Increase efforts to address the many newborns with a low birth weight and to ensure adequate nutrition among children;
- (b) Ensure the effective treatment and prevention of new infections of hepatitis C;
- (c) Ensure the availability of community-based mental health services and support to children with mental health conditions and their families and combat stigmatization against them.

**Adolescent health**

23. Please provide information on the following:

- (a) The measures taken to ensure access to safe abortion, in accordance with section 235 of the Criminal Code of 1838, and to post-abortion care for girls, including through awareness-raising among adolescent girls and health professionals;
- (b) The impact of sexual and reproductive health education on the prevention of early pregnancy and sexually transmitted infections;
- (c) The implementation of the action plan for HIV/AIDS for the period 2018–2022 and its impact on the reduction of mother-to-child transmission of HIV, access for children to HIV treatment and awareness-raising about HIV/AIDS;
- (d) The measures taken to address the use of drugs, alcohol and tobacco by children, including activities under the national drug control master plan for the period 2019–2023.

**Impact of climate change on the rights of the child**

24. Please provide information on the measures taken to:

- (a) Ensure that the special vulnerabilities and needs and views of children, including children with disabilities, are taken into account in the development of policies and programmes concerning climate change and disaster risk management and the activities of the National Disaster Risk Reduction and Management Council;
- (b) Empower children to prepare for climate change and natural disasters through age-appropriate school curricula.

**Standard of living**

25. Please provide updated information on the measures taken to support children living in poverty, including measures under the Social Integration and Empowerment Act of 2016 and the Marshall plan against poverty of 2016, and information on funding for all child-related social protection programmes. Please describe the impact of the national housing programme for the period 2015–2019 on children and provide information on the current housing programme.

**I. Education, leisure and cultural activities (arts. 28–31)****Education, including vocational training and guidance**

26. Please provide information on the steps taken to:

- (a) Ensure that all children, including those who lack birth registration, can attend school;
- (b) Prevent early dropout from school, in particular among girls and children who speak Creole, including by formal inclusion of the Creole language in the curriculum;

- (c) Ensure that girls are not absent from school due to menstruation remaining a social taboo and sanitation facilities in some schools being inadequate;
- (d) Allow pregnant students and adolescent mothers to return to school;
- (e) Ensure that vocational training, in particular for girls, early childhood education and human rights education is available to children throughout the territory of the State party.

**J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

**Asylum-seeking and refugee children**

27. Please explain the steps taken to:
- (a) Adopt national asylum legislation and refugee status procedures;
  - (b) Apply the principle of non-refoulement and ensure access for asylum-seeking and refugee children to free legal aid, social services and information on their rights and obligations, asylum procedures and available services;
  - (c) Ratify the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

**Economic exploitation, including child labour, and children in street situations**

28. Please describe the measures taken to:
- (a) Enforce article 12 of the Employment Rights Act of 2008 and to prosecute the perpetrators of violations related to child labour;
  - (b) Adopt a national strategy and action plan to end child labour;
  - (c) Analyse and address the root causes of child labour and children living in street situations;
  - (d) Provide children living in street situations with adequate support, including health services, social services, psychological support and education;
  - (e) Reunite children living in street situations with their families, whenever feasible and appropriate, considering the best interests of the child;
  - (f) Investigate, prosecute and sanction any harassment and abuse of children in street situations.

**Sale, trafficking and abduction of children**

29. Please inform the Committee about the following:
- (a) The measures taken to fully implement and enforce the Combating of Trafficking in Persons Act of 2009, including with regard to cases of trafficking in children for sexual exploitation, in particular girls;
  - (b) The status of a national action plan to combat trafficking in persons and a comprehensive policy and strategic plan on combating trafficking in children;
  - (c) The mandate, current activities and the human, technical and financial resources allocated to the interministerial committee on trafficking in persons, in particular regarding trafficking in children;
  - (d) The steps taken to ensure that the regulations on birth registration, allowing for a delay of 45 days and a declaration by only one parent without witnesses, under sections 12 (1) (b) and 14 (1) (a), respectively, of the Civil Status Act of 1981, does not facilitate trafficking in children;
  - (e) The availability of shelters for children who are victims of trafficking.

**Administration of child justice**

30. Please provide information about the measures taken to:

(a) Adopt clear legal provisions concerning the minimum age of criminal responsibility and amend article 45 of the Criminal Code of 1838, according to which there is no minimum age of criminal responsibility for children “acting with discernment”;

(b) Amend article 18 of the Juvenile Offenders Act of 1935, which allows parents or guardians to declare before a judge that they are “unable to control the juvenile”, which can lead to the deprivation of liberty of the child concerned;

(c) Limit the duration of pretrial detention by law, ensure that the circumstances under which such a time limit can exceptionally be extended is clearly defined in law, ensure regular review of pretrial detention and amend article 4 (b) (ii) of the Bail Act of 1999, according to which a court can refuse bail for a child “for his own welfare”;

(d) Amend article 7A of the Legal Aid and Legal Assistance Act of 1974 to grant legal aid to all children taking part in legal proceedings, including children who are victims and witnesses, and ensure the presence of their legal representatives or guardians;

(e) Ensure a more specialized justice system for children;

(f) Promote alternatives to detention;

(g) In cases where detention is unavoidable, ensure that it is for the shortest possible period of time and that children are not detained together with adults.

**III. Statistical information and data**

31. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

32. The provision of tables presenting trends over the reporting period is recommended, and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

**A. General measures of implementation (arts. 4, 42 and 44 (6))**

33. Please provide information on the budget lines regarding children and the social services sectors by indicating the amount and the proportion of each budget line in terms of the total national budget.

**B. Definition of the child (art. 1)**

34. Please provide data, disaggregated as described in paragraph 31 above, on the number and proportion of children who have been subjected to child marriage.

**C. General principles (arts. 2, 3, 6 and 12)**

35. Please provide data, disaggregated as described in paragraph 31 above, on the number of cases and prosecutions brought before the courts under the Equal Opportunities Act of 2008 on non-discrimination and the sanctions imposed on perpetrators.

**D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

36. Please provide data, disaggregated as described in paragraph 31 above, on the number of children registered under the fast-track system for birth registration and of stateless children.

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

37. Please provide data, disaggregated as described in paragraph 31 above, on the following:

(a) The number of cases of violence against children, including corporal punishment and domestic violence, reported to the authorities, including the Ombudsperson for Children, the Child Development Unit and the family support bureaux, the number investigated and prosecuted and the sanctions imposed on perpetrators, further disaggregated by type of offence;

(b) The number of cases of sexual violence against children that are investigated under the fast-track procedure of the Office of the Director of Public Prosecutions;

(c) The number and type of protective measures provided to children who are victims of violence, including by the Child Development Unit and the Police Family Protection Unit and through the alternative care system and the foster care programme;

(d) The number of children who have benefited from awareness-raising activities on sexual exploitation and abuse.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

38. Please provide data, disaggregated as described in paragraph 31 above, on the number and proportion of families and children receiving economic and other types of support services.

39. Please provide data, disaggregated as described in paragraph 31 above, on the following:

(a) The number of children in institutional care and the average length of stay;

(b) The number of children in family-based and community-based care;

(c) The number of children below 6 years of age who are incarcerated with their mothers.

**G. Children with disabilities (art. 23)**

40. Please provide data, disaggregated as described in paragraph 31 above, further disaggregated by type of disability, on the following:

(a) The number of children with disabilities;

(b) The number of children with disabilities living with their families, in family-based care, in community-based care and in institutional care, including in *centres de sauvegarde* and shelters;

(c) The number of children with disabilities benefiting from the Basic Invalid's Pension;

(d) The number of children with disabilities in inclusive education and in separate schools, including schools designed to meet special educational needs, and the number of those children who attained a certificate of primary education and who have benefited from a scholarship to pursue secondary and tertiary studies;

(e) The number of reported cases of abuse and sexual violence against children with disabilities placed in institutions, the number of investigations and prosecutions carried out and the sentences imposed on perpetrators.

**H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

41. Please provide data, disaggregated as described in paragraph 31 above, on the following:

- (a) The number and rate of children born with low birth weight;
- (b) The number of paediatric and mental health services and professionals specializing in young children and adolescents, further disaggregated by region;
- (c) The number of adolescent mothers;
- (d) The number of sexual and reproductive health services available to adolescents, further disaggregated by region;
- (e) The number of children abusing drugs, alcohol and tobacco;
- (f) The number of children living with HIV/AIDS and the number of cases of mother-to-child transmission of HIV.

42. Please provide data, disaggregated as described in paragraph 31 above, on the number and proportion of children living in poverty and the proportion of those children whose families benefit from a monthly subsistence allowance, the negative income tax and the exemption from water charges.

### **I. Education, leisure and cultural activities (arts. 28–31)**

43. Please provide data, disaggregated as described in paragraph 31 above, on the number and proportion of the following:

- (a) Children who drop out of school, in particular children whose mother tongue is Creole, and those children who have access to vocational training;
- (b) Children attending early childhood education, the average length of attendance and those institutions that are registered and/or monitored.

### **J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

44. Please provide data, disaggregated as described in paragraph 31 above, further disaggregated by accompanied or unaccompanied status, on the following:

- (a) The number of asylum-seeking and refugee children and the number and proportion of those children who were unable to stay in the State party and who received assistance to apply for asylum in another State;
- (b) The number of asylum-seeking and refugee children attending school and the number of those children with access to health care.

45. Please provide data, disaggregated as described in paragraph 31 above, further disaggregated by the type of violation reported, on the following:

- (a) The number of reported cases of trafficking in children and the proportion of those children with access to rehabilitation programmes;
- (b) The number and percentage of such cases that have resulted in sanctions under the Combating of Trafficking in Persons Act of 2009, further disaggregated by the country of origin of the perpetrator and the nature of the penalties imposed.

46. Please provide data, disaggregated as described in paragraph 31 above, further disaggregated by type of crime, on the following:

- (a) The number of children below 14 years of age who have been convicted of a crime due to having acted “with discernment”, according to article 45 of the Criminal Code of 1838;
- (b) The number of children in detention facilities and the average length of stay, further disaggregated by whether the child is in pretrial detention, such as in police cells, or in prison, and the proportion of those detained according to article 18 of the Juvenile Offenders Act of 1935;
- (c) The number of children referred to diversion and non-custodial sentencing options;

(d) The number and proportion of children in the child justice system benefiting from support from the Child Perpetrator Support Unit.

**K. Optional Protocol on the sale of children, child prostitution and child pornography**

47. Please provide data, disaggregated as described in paragraph 31 above, on the following:

(a) The number of reported cases of the sale of children, child prostitution, child pornography and sexual exploitation in the tourism and travel sector;

(b) The number of such cases that have been investigated and prosecuted and the number of perpetrators who have been sanctioned;

(c) The number of children who are victims of such crimes who have been provided with recovery assistance or compensation.

**L. Optional Protocol on the involvement of children in armed conflict**

48. Please provide data, disaggregated as described in paragraph 31 above, on the following:

(a) The number of asylum-seeking, refugee and migrant children entering the State party from areas where children may have been recruited or used in hostilities;

(b) The number of such children who benefit from physical and psychological recovery and social reintegration measures.

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