



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined sixth and seventh periodic reports of Mauritius*

I. Introduction

1. The Committee considered the combined sixth and seventh periodic reports of Mauritius¹ at its 2672nd and 2673rd meetings,² held on 17 and 18 January 2023, and adopted the present concluding observations at its 2698th meeting,³ held on 3 February 2023.

2. The Committee welcomes the submission of the sixth and seventh periodic reports of the State party under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the enhanced statutory protections for children through the adoption of the Children's Act 2020, the Children's Court Act 2020 and the Child Sex Offenders Register Act 2020, all of which were adopted on 15 November 2020.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the attention of the State party to the recommendations concerning the following areas, in respect of which urgent measures must be taken: child abuse, violence and neglect of children (para. 23), sexual exploitation and abuse of children (para. 25), children deprived of a family environment (para. 28), children with disabilities (para. 32), adolescent health (para. 35) and administration of child justice (para. 44).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

* Adopted by the Committee at its ninety-second session (16 January–3 February 2023).

¹ [CRC/C/MUS/6-7](#).

² [CRC/C/SR.2672](#) and [CRC/C/SR.2673](#).

³ [CRC/C/SR.2698](#).



and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

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

Legislation

6. The Committee notes with appreciation the adoption of the Children's Act 2020 and recommends that the State party:

(a) Strengthen the effective implementation of its legislation in compliance with the Convention, the Optional Protocols on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, as well as its efforts to raise public awareness about new legislative developments;

(b) Develop a child-rights impact assessment procedure for national legislation and policies relevant to children.

Comprehensive policy and strategy

7. The Committee recommends that the State party renew the National Child Protection Strategy and Action Plan (2014–2022), ensuring that it encompasses all areas covered by the Convention, and that it support its implementation through the provision of sufficient human, technical and financial resources and a clear assignment of responsibilities in order to ensure coordination with the envisaged Ten-Year Strategic Plan for Children and the planned update of the National Human Rights Action Plan 2012–2020.

Coordination

8. The Committee recalls its previous recommendation⁴ and urges the State party to reinforce the Child Services Coordination Panel, established through the Children's Act 2020, by ensuring it has sufficient authority, adequate resources and a clear mandate to coordinate all activities regarding the implementation of the Convention and to minimize overlap with the activities of the National Children's Council, the Ministry of Gender Equality and Family Welfare and the National Human Rights Monitoring Committee.

Allocation of resources

9. The Committee recalls its general comment No. 19 (2016) on public budgeting for the realization of children's rights and its previous recommendation⁵ and recommends that the State party set up a budgeting process that includes a child-rights perspective, specifies clear allocations for children to the relevant sectors and agencies and includes specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention, including by:

(a) Setting performance targets linking child-related programme goals to budget allocations and actual expenditures to allow monitoring of the outcomes and the impacts on children, including those in vulnerable situations;

(b) Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;

⁴ CRC/C/MUS/CO/3-5, para. 14.

⁵ Ibid., para. 16.

- (c) Using budget classification systems that allow expenditures related to the rights of the child to be reported, tracked and analysed;
- (d) Ensuring that the fluctuation or reduction in budget allocations for the delivery of services does not reduce the existing level of enjoyment of children's rights;
- (e) Strengthening audits to increase transparency and accountability with regard to public expenditures across all sectors and adopting measures to eradicate corruption and reduce irregular expenditures in order to mobilize the maximum available resources for the implementation of the rights of the child.

Data collection

10. The Committee notes the efforts of the State party to collect data in different areas and, with reference to its general comment No. 5 (2003) on general measures of implementation and recalling its previous recommendation,⁶ recommends that the State party expedite the establishment of the common data platform to also collect disaggregated data on the situation of children with special protection needs, including children with HIV, children with disabilities, children in alternative care, children living in street situations, child victims of neglect, violence or abuse, including sexual exploitation and trafficking, and children in conflict with the law.

Independent monitoring

11. The Committee recalls its previous recommendation⁷ and further recommends that the Ombudsperson for Children's Office assess the effectiveness of its communication plan (2016–2023) to promote children's awareness of their right to file complaints and to revise them accordingly, ensuring that complaint procedures are accessible, confidential and child-friendly.

Dissemination, awareness-raising and training

12. The Committee recommends that the State party promote the active involvement of children in public outreach activities, including in measures targeting parents, social workers, teachers and law enforcement officials, and encourage the media to ensure sensitivity to children's rights in programming and the inclusion of children in the development of such programmes.

Cooperation with civil society

13. The Committee recommends that the State party establish a mechanism to systematically involve civil society organizations working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.

Children's rights and the business sector

14. The Committee is concerned that, while tourism constitutes one of the main pillars of the economy of the State party, it has not yet adopted effective measures to protect children from violations of their rights arising from tourism activities. Recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:

- (a) Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the territory of the State party, especially in the tourism industry;
- (b) Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;

⁶ Ibid., para. 18.

⁷ Ibid., para. 20.

(c) Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the Global Code of Ethics for Tourism adopted by the World Tourism Organization among travel agents and entities active in the tourism industry;

(d) Strengthen its international cooperation against sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

B. Definition of the child (art. 1)

15. The Committee notes with appreciation the revised definition of the child in the Children's Act 2020 as any person under the age of 18 and the repeal of articles 145 to 148 of the Civil Code permitting exceptions to marriage under age 18. It recommends that the State party:

(a) Ensure the implementation and monitoring of the prohibition against child marriage, including by sanctioning those officiating child marriages;

(b) Undertake awareness-raising programmes to increase support for and understanding of the definition of the child as every person below the age of 18.

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

Non-discrimination

16. The Committee, taking note of the non-discrimination principle enshrined in the Children's Act 2020 and in Sustainable Development Goal targets 5.1 and 10.3, recommends that the State party:

(a) Address disparities in access to all social services for children in marginalized and disadvantaged situations, in particular children living 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, and regularly evaluate their enjoyment of their rights;

(b) Take special measures to improve the living conditions of Chagossian children by ensuring their effective access to food security, health care, education, housing, water, sanitation and social services and ensure regular and systematic monitoring and impact assessment of the measures taken;

(c) Publicize the work of the Equal Opportunities Commission and encourage reporting of cases of discrimination by children, particularly those in marginalized and disadvantaged situations.

Best interests of the child

17. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right, also enshrined in the Children's Act 2020, is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children, including by building the capacity of all relevant persons in authority, particularly judges, educators and social workers, to determine the best interests of the child in every area and to give their interests due weight as a primary consideration.

Respect for the views of the child

18. Recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous recommendation⁸ and further recommends that the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing the guardian ad litem programme under section 66 of the Children's Act 2020;

(b) Ensure that information on child-related laws and policies are available in child-friendly language;

(c) Ensure that all relevant professionals engaging with and for children, including teachers, health-care providers, social workers and justice sector personnel, systematically receive appropriate training on the right of children to be heard and have their opinion taken into account, in accordance with their age and maturity.

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

Birth registration, nationality and statelessness

19. Taking note of Sustainable Development Goal target 16.9, the Committee strongly urges the State party to:

(a) Strengthen birth registration processes, including as a preventive measure against trafficking and sale of children, by, inter alia: (i) facilitating sharing of hospital records with the civil status offices; and (ii) adequately resourcing the Child Development Unit of the Ministry of Gender Equality and Family Welfare in effectively implementing its mandate to facilitate issuance of birth certificates, also in cases of the tardy declaration of births;

(b) Ensure the issuance of birth certificates for all children born in its territory immediately after their birth, regardless of the immigration status of the children or their parents, including those who have expressed an intention to apply for asylum and those who are undocumented;

(c) 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 women who would otherwise be stateless;

(d) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

Right to privacy

20. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Strengthen implementation of the legislative provisions in place to protect the privacy of children, including by developing additional regulations and safeguarding policies for the media and the digital environment;

(b) Ensure that media, and other relevant professionals are appropriately trained on such regulations and policies and apply deterrent sanctions for violations of children's right to privacy.

⁸ Ibid., para. 32.

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

Corporal punishment

21. While noting with appreciation the explicit prohibition of corporal punishment in all settings in the Children's Act 2020, the Committee recalls its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and recommends that the State party:

(a) Strengthen legislative implementation by enhancing awareness-raising campaigns and parenting education programmes, including for professionals working with and for children, to promote attitudinal change within the family and the community, with a view to eradicating the practice of corporal punishment;

(b) Establish protocols and procedures for action when corporal punishment takes place, including the provision of child-friendly complaint mechanisms, particularly in schools and alternative care facilities, ensuring safe and confidential reporting and the due sanctioning of perpetrators.

Child abuse, violence and neglect of children

22. The Committee welcomes the measures taken to combat violence, abuse and neglect of children, including legal reforms that broaden the recognition of acts that trigger protection under the Protection from Domestic Violence Act of 1997, increase the support provided to child victims through the Integrated Support Centre and create programmes to support children's reintegration in the family home. However, the Committee is deeply concerned about:

(a) The reportedly ineffective response to cases of domestic violence, including interventions by officers of the Child Development Unit;

(b) Children's lack of awareness of how to seek assistance and the protection services available to them;

(c) The retraumatization of child victims resulting from the insufficient application of a child-rights victim-centred approach by first responders, including law enforcement personnel;

(d) The lack of research and inadequate collection of disaggregated data on the prevalence of violence, abuse and neglect of children, both in the home and in institutions, and of information about the sanctions imposed for violations of legislation prohibiting abuse and domestic violence against children.

23. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal targets 16.1 and 16.2, the Committee recalls its previous recommendation⁹ and further urges the State party to:

(a) Strengthen the response to reports of violence, abuse and neglect of children, including by increasing the number of trained first responders and ensuring their availability 24 hours a day, seven days a week, and by formalizing coordination and collaboration with the health and law enforcement sectors, with the aim of ensuring a unified approach to support services for child victims;

(b) Finalize the renewed National Child Protection Strategy and Action Plan (2014–2022), ensuring that it also addresses child safety in the digital environment, prioritizes marginalized and disadvantaged children, allocates adequate resources for its implementation and defines clear lines of responsibility for its implementing partners;

⁹ Ibid., para. 40.

(c) **Ensure that children are informed of and encouraged to access child-friendly complaint mechanisms for the confidential reporting of all forms of violence and abuse and the assistance and protection services available to them;**

(d) **Develop child-based protocols on dealing with child victims of violence, abuse and neglect, including for children involved in armed conflicts, and train professionals, including police, social workers, health-care workers, teachers and prosecutors, on their use;**

(e) **Ensure the issuance of emergency protection orders issued under section 36 of the Children's Act 2020 and the Protection from Domestic Violence Act 1997 for all appropriate cases of child victims of violence;**

(f) **Undertake all appropriate measures to address child marriage and raise awareness among children, parents, professionals and wider society;**

(g) **Implement the Residential Care Institutions for Children Regulations 2022 through the allocation of human, technical and financial resources so that its objectives to care, protect and rehabilitate child victims of violence may be realized, including the provision of sufficient, well-equipped shelters, and to ensure the non-interruption of schooling;**

(h) **Build the capacity of inspectors required to identify cases of abuse, violence and neglect of children in charitable institutions and private homes;**

(i) **Strengthen awareness-raising on bullying against and among children, including in schools, placing special focus on cyberbullying;**

(j) **Strengthen the Domestic Violence Information System to include data on violence against children, ensuring that the data is disaggregated by age, sex, disability, geographical location, nationality and socioeconomic background, as well as information on the outcome of reported incidents, and share such data among relevant stakeholders in the development and evaluation of strategies and programmes to address violence against children.**

Sexual exploitation and abuse

24. The Committee notes with appreciation the adoption of the Child Sex Offenders Register Act 2020 and the establishment of the specialized Children's Court to hear cases involving sexual offences against children. However, the Committee remains deeply concerned about:

(a) The high level of sexual exploitation and abuse of children, including in the context of travel and tourism, prostitution and through online sexual abuse material, the significant underreporting and investigation of such cases and the lack of disaggregated data collected on its prevalence, its different manifestations and its treatment through the criminal justice system;

(b) The absence of provisions in law to explicitly sanction the sexual exploitation of children in travel and tourism and to provide compensation for child victims of sexual exploitation in general;

(c) The lack of coordination and communication among governmental institutions, in cooperation with civil society, to provide effective multisectoral and holistic support for child victims of sexual abuse, including adequate protection and rehabilitation services.

25. **Taking note of Sustainable Development Goal targets 5.2, 16.1 and 16.2, the Committee urges the State party to:**

(a) **Formulate policies, strategies and legislation to raise awareness of, detect, prohibit and punish offences and activities relating to the sexual exploitation and abuse of children in the context of travel and tourism, including by targeting service providers in that sector;**

(b) **Ensure that all perpetrators of offences related the sale of children, child prostitution and child pornography are prosecuted and duly sanctioned and undertake**

all appropriate measures to increase the awareness of such crimes among children and parents and in society at large, with the aim of preventing those crimes and ensuring their early detection;

(c) Establish a systematic and comprehensive collection of reliable and disaggregated data on the incidence of child sexual abuse and sexual exploitation and its different manifestations, including data on reported cases and their outcomes through the justice system;

(d) Strengthen the professional capacity and improve the software tools to detect and investigate child sexual abuse and exploitation online and promote training for parents and teachers about online risks and the risks associated with sexting;

(e) Promote accessible, confidential, child-friendly and effective channels for reporting all forms of sexual exploitation and abuse and encourage children to make use of them;

(f) Mandate the Child Services Coordination Panel to foster regular cooperation within government agencies and with civil society in order to provide multisectoral remedies and comprehensive support for child victims of sexual abuse and exploitation, including through the establishment of a one-stop resource centre staffed by specialized professionals providing, inter alia, child-friendly forensic interviews, psychological therapy and social integration assistance, as well as follow-up measures and the provision of continual support;

(g) Facilitate the access of child victims to restitution measures, including compensation.

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

Family environment

26. The Committee recommends that the State party:

(a) Strengthen the National Parental Empowerment Programme, ensuring that it encourages and promotes the role of both parents in the upbringing of children, promotes positive, non-violent and participatory forms of child-rearing and discipline and has reach across the State party, including targeting families of children in marginalized and disadvantaged situations;

(b) Systemize capacity-building in the roles of judicial and administrative decision-makers to undertake assessments of the best interests of the child, ensuring that the views of children are taken into consideration, with particular attention to child custody cases that arise in the context of polygamous and/or unregistered religious marriages.

Children deprived of a family environment

27. While noting the State party's efforts to support family-based care options, including the increased financial allowance paid to foster parents, the Committee is concerned about:

(a) The insufficient resources dedicated to child rescue and protection services, including the training of personnel, social workers and foster care families;

(b) The inadequate monitoring of care and the lack of individual care plans, including in the review of placements in residential care institutions, rehabilitation youth centres and probation hostels, noting reports of neglect, deprivation and abuse of children in those facilities;

(c) The lack of information about children living in alternative care arrangements, the reasons for their placement, their access to specialized services and the outcomes for children reintegrated into their biological families and those who have left care.

28. Drawing the attention of the State party to the Guidelines for the Alternative Care of Children,¹⁰ the Committee recommends that the State party:

(a) Increase resources for and strengthen the capacity of professionals working with families and children, in particular social workers and other child protection service providers, and of foster care parents in order to ensure family-based care responses and enhance awareness of the rights and needs of children deprived of a family environment;

(b) Establish quality standards for all alternative care settings, ensure the periodic review of the placement of children in foster care and residential care institutions, rehabilitation youth centres and probation hostels and monitor the quality of care therein;

(c) Ensure the availability of accessible and child-friendly channels for reporting, monitoring and remedying neglect, violence and/or abuse of children in care;

(d) Ensure adequate support for children leaving care through the development of community-based services and supported independent living arrangements, including appropriate and affordable housing options, vocational training and job-market entry opportunities, and the provision of social, recreational, sports and leisure facilities;

(e) Collect data on the situation of children who are deprived of a family environment and the services provided to them, including those who have left care.

Adoption

29. Highlighting the importance of regulating adoption processes as a measure to prevent the sale, trafficking and exploitation of children, the Committee recalls its previous recommendation¹¹ and further recommends that the State party:

(a) Finalize the draft Adoption Bill, ensuring that it mandates an independent body empowered to facilitate and monitor all adoptions, including ensuring that any adoption, domestic or international, is in accordance with the best interests of the child;

(b) Establish a register of children, including those with special needs, who are eligible for adoption and of identified and screened adoptive parents.

Children of incarcerated parents

30. The Committee recommends that the State party:

(a) Strengthen the capacity of the judiciary to undertake an assessment of the best interests of the child when sentencing their caregivers, also including the systematic consideration of alternatives to incarceration;

(b) Ensure that children living with incarcerated caregivers have access to adequate early childhood education, nutrition and health services, enjoy the right to play and are visited regularly by social workers;

(c) Protect and ensure the visitation rights of the children of incarcerated parents, including by increasing the frequency and duration of visits, also providing adequate and child-friendly meeting premises;

(d) Undertake a study on the situation of children of incarcerated parents and share the study's findings among relevant departments for use in the formulation of programmes aimed at providing support to such children, including psychological and social support and benefits.

¹⁰ General Assembly resolution 64/142, annex.

¹¹ [CRC/C/MUS/CO/3-5](#), para. 46.

G. Children with disabilities (art. 23)

31. The Committee welcomes the particular focus given to children with disabilities in the Children's Act 2020 and the Children's Court Act 2020. However, the Committee is concerned about:

- (a) The lack of a legal framework based on the human rights model of disability to advance the rights of children with disabilities;
- (b) Negative attitudes and discrimination against children with disabilities that hamper access to family support, education, health and social services and participation in matters concerning them;
- (c) The lack of social and community-based services and family support, as well as the lack of clarity and accessibility with regard to the receipt of basic invalidity pensions and carers' allowances to enable parents to care for their children;
- (d) The insufficient number of inclusive schools, which has resulted in a disproportionate number of children with disabilities leaving school without a certificate;
- (e) The lack of access to early screening and intervention with regard to developmental disabilities.

32. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based model of disability, to set up a comprehensive strategy for the inclusion of children with disabilities and to:**

- (a) **Urgently finalize the protection and welfare of persons with disabilities bill, thus ensuring meaningful consultation of children with disabilities in developing legislation grounded in a human rights-based approach to disability that is responsive to the need to protect and promote the rights of children with disabilities;**
- (b) **Strengthen training for all relevant professionals engaging with and for children, including teachers, health-care providers, social workers and justice sector personnel, on the rights of children with disabilities, including their right to express their views on matters affecting them and to have their views taken into account;**
- (c) **Strengthen the implementation of the Special Education Needs Authority Act 2018 to ensure that all children with disabilities have access to inclusive education in mainstream schools and that all schools are equipped with specialized teachers and professionals and provide individual support, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;**
- (d) **Strengthen support for the parents of children with disabilities and ensure the right of those children to grow up in their family environment, including by increasing the availability of early care, home nursing and relief services, providing timely and adequate socioeconomic support to all children with disabilities and improving outreach to parents about the services available;**
- (e) **Assess the impact of the community-based rehabilitation programmes for persons with disabilities, evaluate, in particular, the reach and appropriateness of health and rehabilitation services for children with disabilities and revise the programmes accordingly.**

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

Health and health services

33. **Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal targets 3.2, 3.4 and 3.8, the Committee recommends that the State party:**

(a) **Ensure better health outcomes for children, including by disseminating basic health information to children and their parents to increase their awareness of and access to basic health services, including mental health services;**

(b) **Pursue its efforts to further reduce neonatal, infant, under-5 and maternal mortality rates, including by adequately resourcing the National Framework to improve Maternal Newborn Health (2019), ensuring that it prioritizes the availability of quality prenatal and postnatal services and facilities;**

(c) **Strengthen mental health services and programmes for children, including by implementing the preventive measures under the Health Sector Strategic Plan 2020–2024, ensuring that the number of child psychologists and psychiatrists is sufficient to meet children’s mental health needs, and that such services and programmes are delivered in a timely manner, without stigmatization.**

Adolescent health

34. The Committee notes with concern;

(a) The insufficient provision of sexuality education in schools, restricted access to contraception, the persistently high rate of adolescent pregnancy, the prevalence of unsafe abortion and the high rates of maternal mortality;

(b) That early prevention efforts against HIV infections, including mother-to-child transmission, are hindered by stigmatization and discrimination;

(c) The increasingly detrimental effect that drug and alcohol abuse is having on the health of adolescents.

35. **Recalling its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence and taking note of Sustainable Development Goal targets 3.1, 3.3, 3.5, 3.7 and 5.6, the Committee recalls its previous recommendation,¹² those of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women and further recommends that the State party:**

(a) **Decriminalize abortion in all circumstances to ensure that no adolescent seeking or who has undergone an abortion or anyone assisting her can be criminally prosecuted and/or liable to imprisonment;**

(b) **Facilitate access to safe abortion and post-abortion care services for adolescent girls in accordance with the Criminal Code (Amendment) Act 2012, which amended section 235 of the Code and introduced a new section 235A, which legalizes abortion in certain circumstances, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(c) **Empower adolescents to make responsible decisions on sexual relationships by ensuring, inter alia, that all girls and boys, including those who are out of school, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives;**

(d) **Ensure that the National HIV Action Plan for the period 2023–2027, is harmonized with policies promoting the sexual and reproductive health of adolescents, with a view to ensuring that adolescents have access to confidential HIV testing and counselling services, without the need for parental consent, and that professionals providing such services fully respect the rights of adolescents to privacy and non-discrimination;**

(e) **Review the National Drug Control Master Plan (2019-2023) to ensure that it addresses the use of drugs by children and is used to develop a protocol for the early**

¹² Ibid., para. 54.

identification and adequate referral of adolescents requiring treatment, ensuring that such treatment is accessible and child friendly.

Impact of climate change on the rights of the child

36. Taking note of Sustainable Development Goal targets 1.5 and 13.b, the Committee recalls its previous recommendation¹³ and further recommends that the State party involve children in its implementation of the Climate Change Act 2020 and in renewed climate change adaptation and mitigation strategies and action plans, in particular in addressing children's food, water and energy insecurity, and also ensure synergies with the impact assessment and claims mechanisms established by the Environment Protection Act 2002.

Standard of living

37. Taking note of Sustainable Development Goal targets 1.2 and 1.3, the Committee recommends that the State party:

(a) Strengthen the capacities of professionals in the social assistance sector, including the Social Integration Division of the Ministry of Social Integration, Social Security and National Solidarity, to effectively implement, monitor and evaluate the measures taken to support children living in poverty, including under the Social Integration and Empowerment Act 2016 and the Marshall plan against poverty of 2016, with a view to ensuring that such measures are comprehensive and follow a child rights-based approach;

(b) Prioritize the delivery of child-related social protection programmes, including the provision of conditional cash transfers and social housing allocations to Creole families and families of children with disabilities to address their disproportionate vulnerability to poverty.

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

Education, including vocational training and guidance

38. Taking note of Sustainable Development Goal targets 4.1, 4.5, 4.6, 4.a and 4.c, the Committee recommends that the State party:

(a) Ensure that its policy of compulsory education applies without discrimination, including to children who lack birth registration and those who are non-citizens;

(b) Strengthen the enrolment and retention in school of all children for the duration of compulsory education in the State party, with special attention to those in marginalized and disadvantaged situations, including girls, migrant children, children with disabilities, Creole children, Chagossian children, LGBTI children and children in street situations, including by:

(i) Collecting and analysing disaggregated data on children of school-going age who are not in school, identifying both those who have never been enrolled and those who have dropped out, with a view to addressing identified trends through targeted measures;

(ii) Increasing the number of educational social workers conducting home visits to identify out of school children and to inform parents of the legal requirement of compulsory education in Mauritius without exception;

(c) Ensure that adolescent girls who are pregnant or have given birth are supported and assisted in continuing their education in mainstream schools and support

¹³ Ibid., para. 58.

services during pregnancy and childbirth and postnatal care, guaranteeing parenting support and promoting equally shared parenting.

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

Asylum-seeking, refugee and migrant children

39. Recalling the joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration and joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, the Committee recommends that the State party:

(a) Develop legislation and regulations to address the needs of refugee and asylum-seeking children and children with irregular status, including with regard to their reception, care and processes for regularization;

(b) Apply the principle of non-refoulement to children in need of international protection and ensure that they receive age-appropriate information and legal advice about their rights, asylum procedures and requirements for documentation, that their best interests are given primary consideration in all asylum processes and that their views are heard, taken into account and given due weight;

(c) Guarantee all children, regardless of their migration status in the State party, cost-free access to basic social services, including health and education, on an equal basis as citizens;

(d) Consider ratifying the 1951 Convention relating to the Status of Refugees, and the 1967 Protocol relating to the Status of Refugees.

Economic exploitation, including child labour

40. Taking note of Sustainable Development Goal target 8.7, the Committee recommends that the State party:

(a) Conduct awareness-raising activities among businesses and within the travel and tourism industry on the prevention of the exploitation of children, including child labour, and the implementation of the provision of the Workers' Rights Act 2019 stipulating age 16 as the minimum age of employment and imposing sanctions for its contravention;

(b) Build the capacity of employers, workers and law enforcement authorities to identify children who are victims of exploitation or trafficking and refer them to appropriate assistance and protection services.

Children in street situations

41. Drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendation¹⁴ and further recommends that the State party:

(a) Regularly assess the number of children in street situations, finalize its comprehensive strategy on street children and its action plan to address the root causes of their situations and increase the number of qualified social workers attending to these children in order to facilitate their access to food, education, health, housing, alternative care options and legal support;

¹⁴ Ibid., para. 68.

(b) **Sanction any violation of the rights of children in street situations, including by law enforcement authorities, ensuring they are not subjected to ill-treatment, abuse or arbitrary detention.**

Sale, trafficking and abduction

42. **Taking note of Sustainable Development Goal target 8.7, the Committee recommends that the State party:**

(a) **Ensure that the National Action Plan to Combat Trafficking in Persons 2022–2026 considers the specific needs of child victims and prioritizes the allocation of resources to the provision of holistic and multidisciplinary services for their care, rehabilitation and reintegration, including shelter, psychological support and legal assistance;**

(b) **Strengthen the capacity of relevant authorities, including labour inspectors, law enforcement and border management authorities and staff of judicial and front-line services, to identify and refer child victims of trafficking to assistance and protection services, investigate and prosecute all cases of trafficking of children and bring perpetrators to justice, while ensuring that prosecutions are victim-centred, child-friendly and gender-sensitive.**

Administration of child justice

43. The Committee welcomes the strengthening of the specific protections for children in contact with the justice system, including through the adoption of the Children’s Court Act 2020, the raising of the age of criminal responsibility to age 14 by the Children’s Act 2020 and the repeal of the Juvenile Offenders Act 1935. It is however seriously concerned that:

(a) There is no established time limit for pretrial detention;

(b) According to section 42 (4) of the Children’s Act 2020, the District Magistrate dealing with criminal matters has the discretion, upon an application made by the police or parents, to remove children considered to have serious behavioural concerns from their home and to place them in an institution;

(c) Children are reportedly often tried in the absence of their legal representatives or guardians.

44. **With reference to its general comment No. 24 (2019) on children’s rights in the child justice system and the United Nations global study on children deprived of liberty,¹⁵ the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **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 and the regular review of pretrial detention and amend article 4 (b) (ii) of the Bail Act 1999, according to which a court can refuse bail for a child “for his own welfare”;**

(b) **Amend the Children’s Act 2020, which allows a district magistrate to deprive children of liberty for behavioural reasons, and instead strengthen the social support provided to children and their families and, where appropriate, ensure referral to the care and protection system;**

(c) **Pursuant to the Children’s Act 2020, facilitate applications for legal assistance to children within the criminal justice system as defendants, victims or witnesses to ensure that no child is without qualified and independent representation;**

(d) **In assessments made by probations officers for the application of non-judicial measures for children accused of criminal offences, promote probation, bail,**

¹⁵ [A/74/136](#).

mediation, counselling or community service and develop and fund programmes to support those measures;

(e) Ensure that the detention of children is used as a measure of last resort and for the shortest possible time and that it is reviewed on a regular basis, with a view to withdrawing it;

(f) Build the capacity of all law enforcement actors, including police, prosecutors and judges, with regard to the protections in the Children's Act 2020 and the Children's Court Act 2020 in order to ensure that child criminal justice procedures are respected without exception.

K. Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

45. The Committee recommends that the State party ratify the Optional Protocol to the Convention on a communications procedure, which it signed in 2012.

L. Ratification of international human rights instruments

46. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party, namely, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

47. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the involvement of children in armed conflict and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, its reports on which have been overdue since 14 March 2009 and 14 July 2013, respectively.

M. Cooperation with regional bodies

48. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the African Union.

IV. Implementation and reporting

A. Follow-up and dissemination

49. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations are fully implemented and that a child-friendly version is widely disseminated and made easily accessible for children, including those in the most disadvantaged situations. The Committee also recommends that the combined sixth and seventh periodic reports under the simplified reporting procedure and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

50. The Committee recommends that the State party strengthen the national mechanism for reporting and follow-up and ensure that its secretariat, hosted by the Human Rights Division of the Ministry of Foreign Affairs, Regional Integration and International Trade, has adequate human, technical and financial resources to effectively coordinate and prepare reports for submission to international and regional human rights mechanisms and to coordinate and track national follow-up to and implementation of recommendations from all human rights mechanisms, including the use of the national recommendations tracking database. The Committee emphasizes that the national mechanism for reporting and follow-up should be adequately and continuously supported by dedicated staff drawn from various government ministries and should have the capacity to consult systematically with the National Human Rights Commission of Mauritius, the Ombudsperson for Children and civil society.

C. Next report

51. The Committee will establish and communicate the due date of the combined eighth and ninth periodic reports of the State party, in line with a future predictable reporting calendar, based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should not exceed 21,200 words.¹⁶ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

¹⁶ General Assembly resolution 68/268, para. 16.