



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to fifth periodic reports of Mauritius\*

1. The Committee considered the consolidated third to fifth periodic reports of Mauritius (CRC/C/MUS/3-5) at its 1940th and 1942nd meetings (see CRC/C/SR.1940 and 1942), held on 14 and 15 January 2015, and adopted the following concluding observations, at its 1983rd meeting, held on 30 January 2015.

#### I. Introduction

2. The Committee welcomes the submission of the consolidated third to fifth periodic reports of the State party (CRC/C/MUS/3-5) and the written replies to its list of issues (CRC/C/MUS/Q/3-5/Add.1), 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 delegation of the State party.

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

3. The Committee notes with appreciation the ratification of the:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in June 2011;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in February 2009;

(c) Convention on the Rights of Persons with Disabilities, in January 2010;

(d) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in October 2008.

4. The Committee welcomes the adoption of the following legislative measures:

(a) Equal Opportunities (Amendment) Act, which established the Equal Opportunity Commission to prevent all forms of discrimination, on 1 January 2012;

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\* Adopted by the Committee at its sixty-eighth session (12-30 January 2015).



- (b) Institute for Judicial and Legal Studies Act, on 1 October 2011;
  - (c) Combating of Trafficking in Persons Act 2009;
  - (d) Amendment to the Child Protection Act which set up a child mentoring scheme, in December 2008.
5. The Committee also welcomes the adoption or the establishment of, inter alia:
- (a) Political manifesto of the new Government, which strengthens the protection of children against illicit substances, sexual exploitation and exploitation on the Internet, in December 2014;
  - (b) National Child Protection Strategy and its Action Plan which aims at preventing violence against children, in October 2014;
  - (c) Human Rights Monitoring Committee in order to ensure the implementation of the recommendations of the National Human Rights Action Plan, in December 2013;
  - (d) National Human Rights Action Plan 2012–2020, in October 2012;
  - (e) Fast-track procedure by the Office of the Director of Public Prosecutions to investigate sexual offences involving child victims effectively, in June 2012;
  - (f) Community Child Protection Programme, in August 2007;
  - (g) National Parental Empowerment Programme, in May 2007.

### **III. Main areas of concern and recommendations**

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

##### **The Committee's previous recommendations**

6. **The Committee urges the State party to take all necessary measures to address those recommendations included in the concluding observations on the second periodic report under the Convention (CRC/C/MUS/CO/2) that have not or not sufficiently been implemented, particularly those relating to the absence of a children's act (para. 11), children with disabilities (para. 51), sexual exploitation (para. 65), and juvenile justice (para. 67).**

##### **Legal status of the Convention**

7. The Committee notes that under the State party's Constitution, the Convention is not directly applicable and cannot be invoked as an enforceable source of rights unless it is enacted through Mauritian legislation and that the Convention is rarely invoked before and referred to by the domestic courts. The Committee also notes with concern that State officials and regional and municipal authorities are not sufficiently aware of their obligation to promote the implementation of the Convention.

8. **The Committee recommends that the State party take measures to ensure the incorporation of all the provisions of the Convention into the domestic legal order so that they can be fully implemented. The Committee also recommends that the State party take measures to establish training programmes to facilitate the active application and implementation of the Convention by judges, State officials, and regional and municipal authorities, in all parts of the State party.**

### Legislation

9. The Committee, while welcoming the adoption of a number of laws to strengthen the legislative framework for children's rights, remains concerned that the legislation does not cover the full scope of the Convention, and that a comprehensive children's act has still not been adopted.

10. **The Committee reiterates its previous recommendation (CRC/C/MUS/CO/2, para. 11) that the State party expedite revision of its legislation with the aim of ensuring full compliance with the principles and provisions of the Convention and uniform application of the legislation on children's rights in all parts of the State party. Furthermore, the Committee encourages the State party to urgently adopt a comprehensive children's act in order to consolidate the legislation covering all aspects of children's rights, and to ensure the active involvement of children and organizations working on child rights in the drafting process for the act.**

### Comprehensive policy and strategy

11. While welcoming the National Child Protection Strategy and its Action Plan and noting the National Human Rights Action Plan 2012–2020, the Committee is concerned that the Strategy does not integrate all the provisions of the Convention, and that the Action Plan has not been properly implemented.

12. **The Committee recommends that the State party take measures for the National Child Protection Strategy and its Action Plan to cover all areas under the Convention, including measures concerning children deprived of their family and child victims of trafficking and prostitution, and that it implement the National Human Rights Action Plan 2012–2020 effectively, and ensure monitoring of its implementation.**

### Coordination

13. While noting the role of the Ministry of Gender Equality, Child Development and Family Welfare and the National Human Rights Monitoring Committee, the Committee is concerned that communication and coordination between all departments and institutions, and the definition of their respective responsibilities, including in the context of the implementation of the "Working Together" framework, are still inadequate.

14. **The Committee urges the State party to establish or designate an effective coordination body, such as through a children's act, at a high interministerial level, with a clear mandate and sufficient authority to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels. The State party should ensure that the said coordinating body is provided with the necessary human, technical and financial resources to function effectively.**

### Allocation of resources

15. While noting that resources have increasingly been allocated to address disparities between urban and rural areas and among the different islands, the Committee remains concerned at the inadequate allocation of resources for education, health and child protection issues, in particular measures to combat child abuse, and at the absence of a child-rights perspective in preparing budgets and monitoring the spending of resources for children.

16. **With emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:**

**(a) Increase budgetary allocations in the areas of education, health and child protection issues, in particular measures to enhance the protection of child victims of exploitation, to adequate levels, and continue reducing geographic disparities;**

**(b) Establish a budgeting process which includes a child-rights perspective and specifies allocations for children in the relevant sectors and agencies, including specific indicators and a tracking system;**

**(c) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention, and support the existing mechanisms, including the Child Development Unit, with adequate human and financial resources.**

#### **Data collection**

17. Noting the data provided by the State party, the Committee is concerned that the availability of and access to up-to-date and disaggregated statistics, reports and studies on children are very limited and that statistics on certain categories of children, including children with disabilities and children in street situations, are not readily available.

18. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to expeditiously improve the collection of updated data by the Statistics Office which should make those statistics regularly available. The data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children against specific indicators, with emphasis on children who are particularly vulnerable, including children with disabilities, children in street situations and children subject to prostitution and trafficking. Furthermore, the Committee recommends that the data and indicators be 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**

19. While welcoming the information provided by the State party during the dialogue about the new Government's commitment to further strengthen the Ombudsperson for Children's Office, and noting the work of the Ombudsperson in the area of investigations, training and awareness-raising, the Committee is nevertheless concerned at the limited number of investigators and scarce financial resources of the Office, and its limited visibility and effectiveness in dealing with complaints of children's rights violations.

20. **The Committee recommends that the State party recruit additional qualified investigators for the Ombudsperson for Children's Office, to receive, investigate and address complaints by children effectively and in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring, follow-up and verification activities. The Committee recommends that the State party encourage the Office to carry out awareness-raising programmes in all parts of the country, including campaigns for the dissemination of information on children's rights to the general population, including adults working with children. In addition, the Committee recommends that the State party continue raising awareness about the existence of the Office and its functions, and provide adequate resources to the Office to enable it to carry out its mandate effectively.**

### **Training and awareness-raising**

21. While noting efforts by the Ombudsperson for Children's Office to raise awareness of children's rights in schools, the Committee is concerned that efforts to raise awareness among the general population about children's rights remain inadequate. The Committee is also concerned that training for all professionals working for and with children remains insufficient. Furthermore, the Committee is concerned at the lack of awareness-raising concerning child protection issues and the measures taken in that regard by the National Children's Council, and at the lack of assessment of their impact.

**22. The Committee recommends that the State party provide adequate and systematic training on children's rights to all professionals working for and/or with children, in particular law enforcement officials, judges, prosecutors, teachers, the media, health workers, social workers, personnel working in all forms of alternative care and migration authorities. The State party should also undertake island-wide awareness-raising programmes, including campaigns for the dissemination of information on children's rights among the general population, and incorporate child rights in school curricula at all levels and in teacher-training curricula.**

### **Cooperation with civil society**

23. While noting with appreciation the important role played by non-governmental organizations (NGOs) in delivering various services for children, the Committee is concerned that the State party appears to over-rely on these organizations, which it often appoints as contractors without monitoring and evaluating the adequacy of the services delivered, and without providing NGOs with adequate resources for children. The Committee is also concerned that civil society organizations have not been adequately involved in the implementation of the "Working Together" framework.

**24. Recalling that the State party has the primary responsibility to ensure the enjoyment by all children of their rights, the Committee recommends that the State party undertake measures to monitor effectively the quality and coverage of services provided for children by NGOs, and that it provide NGOs with adequate financial and other resources to enable them to discharge governmental responsibilities with regard to the implementation of the Convention. The Committee also recommends that the State party systematically involve communities and civil society actors in planning, implementing, monitoring and evaluating all State-supported policies, plans and programmes relating to children's rights, including the "Working Together" framework.**

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

25. The Committee is concerned that, while the age of marriage is set at 18 years (art. 144 of the Civil Code), exceptions to the minimum age of marriage are possible and extensively granted, as is shown by the high number of underage marriages in the State party. The Committee is also concerned that the Child Protection Act defines a child as any unmarried person under the age of 18.

**26. The Committee urges the State party to ensure that the minimum age of marriage, set at 18 years, is strictly enforced, in line with the State party's obligations under the African Charter on the Rights and Welfare of the Child. The Committee recommends that the State party carry out comprehensive awareness-raising programmes on the negative consequences of child marriage, targeting in particular parents, teachers and community leaders.**

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

### Non-discrimination

27. While noting the establishment of the Equal Opportunities (Amendment) Act, the Committee is concerned that discrimination persists, notably in the form of obstacles to accessing and enjoying various services and facilities, particularly for children from disadvantaged and marginalized families, including street children, children who are affected and/or infected by HIV/AIDS, children using drugs, children deprived of their family environment, children with disabilities and minor offenders.

28. **The Committee recommends that the State party take all necessary measures to eliminate all forms of discrimination, including by incorporating a general prohibition on direct and indirect discrimination in a children's act and putting in place and implementing effectively relevant policies and mechanisms to eliminate discrimination, such as training for public officers. Furthermore, the Committee recommends that the State party integrate the principle of non-discrimination into educational curricula, and increase the visibility and effectiveness of the complaints mechanisms of the Equal Opportunity Commission.**

### Best interests of the child

29. While noting that various national laws, including the Ombudsperson for Children Act 2003, incorporate the right of the child to have his or her best interests taken as a primary consideration in administrative and judicial proceedings, and in policies and programmes relating to children, the Committee is concerned at the lack of information on how this right is enforced in practice in all areas affecting children.

30. **In the light of 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 ensure that this right is appropriately integrated and consistently 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. In this regard, the State party is encouraged to elaborate the right of the best interests of the child in a comprehensive manner in a children's act, and to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration. Such procedures and criteria should be disseminated to courts of law, administrative authorities and legislative bodies, public and private social welfare institutions, as well as traditional and religious leaders and the public at large, and should be effectively monitored and evaluated.**

### Respect for the views of the child

31. While welcoming initiatives that uphold the rights of expression of the child in respect of all matters affecting him or her through awareness-raising, such as the 16 Days — 16 Rights Campaign, the Committee is concerned that the views of the child are not systematically taken into account, for example in court and administrative proceedings, with the exception of separation, divorce, adoption and custody proceedings, where the views of children above the age of 5 are generally taken into account.

32. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee 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 court and administrative**

proceedings, in particular on the custody of children, including by establishing systems and/or procedures for social workers and courts to comply with the principle;

(b) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in the family, community, media and schools, including in student council bodies, with particular attention to girls and children in vulnerable situations;

(c) Conduct research to identify the issues that are most important to children, to hear their views on those issues, and to find out how well their voices are heard in family decisions affecting their lives, and the channels through which they currently and potentially have the most influence on national and local decision-making;

(d) Develop toolkits for public consultation on national policy development, including consultation with children on issues that affect them.

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

##### **Birth registration**

33. The Committee notes the existence of a fast-track system to deal with the declaration of births and unregistered children. The Committee is concerned, however, about reported cases of persons whose birth has not been declared owing to lack of communication and lengthy procedures regarding late registration, especially in the case of declaration after 45 days from birth.

34. **The Committee recommends that the State party take further measures to improve communication between the authorities concerned and families, and accelerate the procedures for and facilitate late birth registration.**

##### **Right to privacy**

35. While noting the constitutional protection of the right to privacy, the Committee is concerned at instances where the privacy of children who have been victims of abuse or have been in conflict with the law is not respected by the media.

36. **The Committee recommends that the State party take further legislative and policy measures to protect effectively the right of the child to privacy, including by encouraging the media to expeditiously adopt a code of ethics and conduct training on the Convention for those working in and with the media.**

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

##### **Corporal punishment**

37. The Committee is concerned that corporal punishment is applied in general as part of the school culture, even though it is prohibited by the Education Regulations of 1957, and that corporal punishment is not explicitly prohibited by law in all settings, including the home and alternative care settings, as well as the penal system.

38. **The Committee urges the State party to ensure that its legislation, including a children's act, explicitly prohibits corporal punishment in all settings. The Committee also urges the State party to promote positive, non-violent and participatory forms of**

**child-rearing and discipline. The State party is further encouraged to establish a clear reporting system for incidents of corporal punishment, notably in schools.**

#### **Child abuse, violence and neglect**

39. The Committee notes the State party's efforts in terms of child protection, emergency protective services, alternative care and the prevention of sexual exploitation of children. However, it is concerned about the high prevalence of violence against children in the State party, evidenced by the more than 6,000 cases involving child victims of violence, ill-treatment and sexual abuse which have been reported to the Child Development Unit of the Ministry of Gender Equality, Child Development and Family Welfare. The Committee is also concerned about the inadequate staffing of the Child Development Unit to deal effectively with cases of abuse, violence and neglect of children.

**40. The Committee recommends that the State party formulate a comprehensive strategy for preventing and combating child abuse, violence and neglect, and in particular that it:**

**(a) Take further measures to prevent the high incidence of child abuse, violence and neglect, in particular by strengthening awareness-raising, community-based and educational programmes through the involvement of children, former victims, volunteers and members of the community;**

**(b) Ensure the effective investigation of complaints and bring those responsible to justice;**

**(c) Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

**(d) Ensure the allocation of adequate human, technical and financial resources to the Child Development Unit and adequately train its personnel to enable it to implement long-term programmes addressing the root causes of violence and abuse, and to provide protection to child victims.**

#### **Sexual exploitation and abuse**

41. The Committee is concerned at the increase in the sexual exploitation of children, especially child sex tourism, which is on the rise in some areas or neighbourhoods. The Committee is also concerned at the lack of systematic and compulsory reporting and investigation of sexual offences against children, the reported discontinuation of support to victims of sexual exploitation who have to return to their living environment, which might expose them to risks of further exploitation, and the inadequate rehabilitative services for victims. The Committee is further concerned that training on the investigation of sexual offences against children is not organized by adequately trained personnel, and that training for officers of the Child Development Unit is inadequate.

**42. The Committee recommends that the State party:**

**(a) Ensure the regular collection of reliable data on child sexual exploitation and abuse, disaggregated by sex, age and type of violation, and undertake qualitative and quantitative evaluations regarding both the prevalence and the understanding of those phenomena;**

**(b) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of all cases of child sexual exploitation and abuse, including a fast-track procedure for the effective investigation by the police and the Director of Public Prosecutions of cases of the sexual exploitation of children;**



(c) Ensure that those who sexually abuse and exploit children are brought to justice and are punished with sanctions commensurate with the gravity of their crimes, without the possibility of persons suspected of sexual exploitation of children being released on bail;

(d) Ensure the development of programmes and policies for the prevention of sexual exploitation and abuse of children, and programmes that address the proliferation of sex tourism in the State party, and ensure the treatment, recovery and social reintegration of child victims;

(e) Conduct awareness-raising activities to address the stigmatization of victims of sexual exploitation and abuse, including incest, and provide accessible, confidential, child-friendly and effective reporting channels for such violations;

(f) Provide appropriate facilities, including adequate training of law enforcement officers, and establish appropriate standards of care to ensure adequate rehabilitative services.

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

**Children deprived of a family environment**

43. While noting the efforts of the State party to improve the alternative care system, the Committee is concerned that institutionalization, in particular of children under the age of 3 years, is used more often than family-based care, and that foster care is inadequately professionalized. The Committee is also concerned about:

(a) The lack of a national strategy and programmes to support parents and families to fulfil their child-rearing obligations, and the lack of family counselling and parenting programmes, which increase the risk of neglect, maltreatment and abuse of children within the family;

(b) The lack of disaggregated data on children in need, on those provided with services and those in different forms of alternative care;

(c) The lack of information on the assessment, selection, training, remuneration and supervision of foster parents and kinship caregivers; review procedures for children in care; accreditation, minimum requirements for, and supervision of, children's homes; and a complaint mechanism for children in public care, including in State and private, NGO or church-run facilities.

44. Recalling the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty or conditions directly attributable to it should not be the sole justification for removing a child from parental care. The Committee recommends that the State party:

(a) Establish adequate support services for parents, as well as adopting and implementing awareness-raising and training programmes on parenting skills, including on alternatives to corporal punishment;

(b) Support and facilitate family-based care for children wherever possible, including for children in single-parent families, and establish a system of professionalized foster care for children who cannot stay with their families, with a view to avoiding the placement of children under the age of 3 in institutions, and reducing the institutionalization of children in general;

(c) **Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;**

(d) **Ensure independent and periodic review of the placement of children in foster care and institutions, and monitor the quality of care in residential care institutions, including by providing accessible channels for reporting, monitoring and remedying maltreatment and abuse of children;**

(e) **Collect disaggregated data on children in need, on those provided with services and those in various forms of alternative care, on support services for parents and kinship caregivers, on the abandonment, neglect and abuse of children, and on measures adopted, other than legislation;**

(f) **Ensure that adequate human, technical and financial resources are allocated in priority to the development of foster and community-based alternatives to institutionalization, as well as to the development of relevant child protection services in order to improve the quality of rehabilitation and social reintegration of children resident in institutional care to the greatest extent possible, including through the provision of adequate psychological, psychiatric and social support.**

### **Adoption**

45. The Committee is concerned about the continued lack of a specific requirement to have a psychologist's or social worker's assessment to assist judges in determining the suitability of prospective adoptive parents in order to ensure that adoption, either domestic or international, is in the best interests of the child. The Committee is also concerned about the absence of an established list of Mauritian parents applying for adoption, the absence of judicial verification of whether there are Mauritian families interested in adopting Mauritian children, and the absence of an independent body to facilitate and monitor the adoption process, including through the screening of prospective adoptive parents. The Committee is further concerned about the slow progress in adopting the new Adoption Act.

46. **The Committee recommends that the State party urgently adopt the new Adoption Act to ensure that in cases of adoption the decision of the judge is supported by a psychologist's or social worker's assessment regarding both the child and the adopting parents, in order to ensure that adoption is in the best interests of the child. In that regard, the State party is encouraged to set up an independent body to facilitate adoption processes, including by drawing up a list of prospective Mauritian parents, to establish judicial verification of whether there are Mauritian families interested in adoption, and to prepare families and prospective parents properly, in accordance with the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

### **Children of incarcerated parents**

47. The Committee notes that children under the age of 6 can live with their imprisoned mothers. However, it is concerned that the best interests of the child are not always taken into account, including when sentencing parents, that incarcerated parents are not guaranteed systematic contact with their children and the Child Development Unit, and that there is insufficient psychological treatment or social support to children of incarcerated parents who do not reside in institutional care.

48. **The Committee recommends that the best interests of the child be taken into account as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents which lead to their being separated from their children. It also recommends that the State party give due consideration to the child's best**

interests when deciding whether the child should live with his or her incarcerated parent. In doing so, due consideration to the overall conditions of the prison context and the particular need for parent-child contact during early childhood should be taken into full account, with the option of judicial review. The Committee further recommends that the State party ensure that incarcerated parents are guaranteed systematic contact with their children and the Child Development Unit, including in cases of adoption, and that children of incarcerated parents who do not reside in institutional care are provided with sufficient psychological treatment and social support.

**G. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)**

**Children with disabilities**

49. The Committee welcomes the codification of Mauritian sign language, including a dictionary of that language, and the development of a database on disability. The Committee is concerned, however, that the State party continues to apply the medical model of disability which consists in integrating children with disabilities instead of eliminating the physical, socioeconomic and cultural barriers that prevent the full inclusion of children with disabilities in schools and in society, and their full enjoyment of their rights. The Committee is particularly concerned that:

(a) The State party has not taken adequate measures to build an inclusive system of education and continues to over-rely on NGOs to provide specialized services to children with disabilities; and has not taken adequate measures to prevent the placement of children with disabilities in *centres de sauvegarde*;

(b) Children with disabilities attending schools face rejection and stigmatization;

(c) The vast majority of children with disabilities do not benefit from adequate support, such as the presence of a multidisciplinary specialized team, social workers and an individual follow-up process to ensure their effective inclusion in ordinary classes, and the social stigma, fear and misconceptions surrounding children with disabilities remain strong in society, leading to their marginalization and alienation;

(d) Children with disabilities do not often acquire a Certificate of Primary Education, and there are no alternatives to this certificate for children with mental disabilities;

(e) Children with disabilities who are placed in shelters because they are abandoned, orphaned and homeless do not often receive special care or psychological support;

(f) Statistics on children suffering from specific disabilities are not regularly accessible.

50. **In the light of article 23 of the Convention and of 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 approach to disability and specifically recommends that it:**

(a) **Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes. To this effect, the Committee urges the State party to urgently remove children with disabilities from *centres de sauvegarde*;**

(b) Train and assign specialized teachers and professionals to integrated classes providing individual support and all due attention to children with learning difficulties;

(c) Undertake awareness-raising campaigns aimed at the public and families to combat stigmatization and prejudice against children with disabilities and promote a positive image of children and adults with disabilities;

(d) Facilitate acquisition of a Certificate of Primary Education for children with disabilities to have access to secondary or tertiary education, provide for alternatives to this certificate for children with mental disabilities, and develop vocational training for children with disabilities;

(e) Ensure that children with disabilities who are placed in shelters because they are abandoned, orphaned and homeless receive special care or psychological support from adequately trained personnel.

#### **Health and health services**

51. The Committee notes with appreciation the budget allocations and increase of human resources to the health sector. The Committee is concerned, however, about the prevailing maternal malnutrition and inadequate prenatal care, which are considered to be primary causes of low birth weight. The Committee is also concerned about the very limited measures to treat hepatitis C cases.

52. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party take further measures to address maternal malnutrition, unhealthy lifestyles and inadequate parental care in order to prevent low birth weight. The State party is also encouraged to take measures to improve the nutritional status of infants, children and mothers. The Committee further recommends that the State party ensure the effective treatment of hepatitis C cases, including through immunization.

#### **Adolescent health**

53. While noting the implementation of the national reproductive health strategy and the strengthening of the school curriculum on reproductive health, including on HIV/AIDS and the prevention of early pregnancies, the Committee is concerned about the limited impact of sexual and reproductive health education and the absence of drug awareness sessions from the curriculum.

54. Referring to its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party:

(a) Ensure that, in the context of the national reproductive health strategy, comprehensive sexual and reproductive health education is made part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted infections;

(b) Take further measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;

(c) Address substance abuse by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information, as well as life-skills education on preventing substance abuse, including tobacco and alcohol abuse, and by integrating drug awareness sessions into the school curriculum; develop accessible and youth-friendly drug dependence treatment and harm reduction

services; and, in particular, make methadone substitution therapy accessible to persons under the age of 18;

(d) The Committee recommends that the State party develop specialized and youth-friendly drug dependence treatment and harm reduction services for children and young people.

#### **HIV/AIDS**

55. The Committee notes with appreciation the adoption of the HIV and AIDS Act 2006, which allows a child to give consent for HIV testing without the need for the consent of the legal administrator or guardian. However, it is concerned about the limited effectiveness of the measures to reduce mother-to-child transmission, and the continued inadequate awareness about HIV/AIDS that leads to stigma and discriminatory attitudes against those infected and affected. The Committee is also concerned about reports that children need to be accompanied by an adult to have access to health services, which is discriminatory against children living with HIV.

56. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

(a) Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS, and develop a road map to ensure the implementation of effective preventive measures;

(b) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early initiation of treatment, and improve access to and the coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women;

(c) Improve access to high-quality, age-appropriate HIV/AIDS, sexual and reproductive health services, including by providing for a minor to undergo HIV treatment on a voluntary basis without the consent of a legal administrator or guardian; make information on sexual and reproductive health, in particular HIV/AIDS, available for schoolchildren and organize awareness-raising to prevent fear and discriminatory attitudes against those infected and affected by HIV/AIDS.

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

57. While noting the activities of the Ministry of Environment, Sustainable Development, Disaster and Beach Management and the operation of the National Disaster Committee in disaster prevention and planning, the Committee notes with concern that policies and programmes addressing climate change and disaster risk management, such as in the case of cyclones, do not address the special vulnerabilities and needs of children, and that data available to formulate policies do not identify the types of risk faced by children.

58. The Committee recommends that the State party:

(a) Ensure that the special vulnerabilities and needs of children, as well as their views, are taken into account in developing policies or programmes to address issues of climate change and disaster risk management;

(b) Collect disaggregated data identifying the types of risk faced by children due to the occurrence of a variety of disasters in order to formulate international, regional and national policies, frameworks and agreements accordingly, with a view to avoiding preventable death and injuries of children;

(c) Increase children's awareness and preparedness for climate change and natural disasters by incorporating them into the school curriculum and teachers' training programmes;

**(d) Seek bilateral, multilateral, regional and international cooperation in implementing the above recommendations.**

#### **Standard of living**

59. While noting the continued efforts by the State party towards poverty alleviation, including the provision of certain childcare services, such as meals and the payment of transport and school fees for children, the Committee reiterates its concern about the living conditions of children from disadvantaged and marginalized families, particularly with regard to access to adequate housing, education and health-care services.

60. **The Committee recommends that the State party consider conducting targeted consultations with families, children and children's rights civil society organizations and NGOs on the issue of child poverty to strengthen or determine strategies and measures for fulfilling children's rights in the National Child Protection Strategy and other poverty reduction strategies. This should enable children living in disadvantaged and marginalized families and those living in remote areas, including the islands of Rodrigues and Agalega, to enjoy their rights to adequate housing, education and health. In particular, the State party should strengthen the network of social housing, support child day-care centres to enable mothers to join the workforce, improve access to education from the age of 3 years and strengthen community health centres.**

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

#### **Education, including vocational training and guidance**

61. The Committee is concerned that children who lack birth registration might be prevented from accessing education. The Committee is also concerned that schools are not adequately provided with educational materials in Creole, which remains an optional language, thereby limiting access to education for Creole-speaking children and resulting in high dropout rates for them, which amount to 20 per cent in primary education. Furthermore, the Committee is concerned at the limited access to vocational training, in particular in rural areas, by children who drop out of school, the lack of adequate financial resources for early childhood education and the lack of human rights education in the school curriculum.

62. **Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

**(a) Ensure that children without birth registration are not denied access to education;**

**(b) Take measures to improve the accessibility and quality of education, including by limiting the impact of the language of instruction on access to education and on school completion and dropout rates, in particular for Creole-speaking children, children in street situations and those that are deprived of their family environment, through the use of Creole at the early childhood development stage and at the primary and secondary school levels; and provide high-quality training for teachers, with particular emphasis on rural areas;**

**(c) Further develop and promote high-quality vocational training, in particular in rural areas, to enhance the skills of children and young people, especially those who drop out of school;**

**(d) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy;**

(e) Introduce age-appropriate human rights education based on the principles and provisions of the Convention on the Rights of the Child into the school curriculum, including for lower secondary schools.

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

### **Economic exploitation, including child labour**

63. The Committee is concerned that some children below the age of 18 work in dangerous conditions, including in agriculture, street vending and domestic service.

64. **The Committee recommends that the State party adopt a strategy to combat child labour, including its worst forms, and in particular that it:**

(a) **Strengthen its Labour Inspectorate, in order to prevent, detect, investigate and adequately sanction child labour;**

(b) **Improve protection and reintegration programmes that focus on family empowerment and the elimination of various forms of child labour, including positive parenting programmes for marginalized communities;**

(c) **Compile information on child labour, including statistics;**

(d) **Ratify International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers;**

(e) **Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in that regard.**

### **Trafficking of children**

65. The Committee is concerned that the State party remains a source, destination and transit country for trafficking in persons, including children. The Committee is also concerned at the absence of sex-disaggregated data with regard to trafficking, and at the lack of a national plan of action to address trafficking in the State party.

66. **The Committee recommends that the State party adopt a comprehensive national action plan and develop a coordination mechanism to address trafficking and analyse the root causes of trafficking. The State party should, in particular:**

(a) **Collect sex-disaggregated data on the number of trafficked persons and on the number of complaints, investigations, prosecutions and sentences in relation to trafficking;**

(b) **Ensure the effective implementation of the Combating of Trafficking in Persons Act, introduce effective prevention measures and ensure the timely prosecution and punishment of traffickers;**

(c) **Continue raising awareness about human trafficking, including through the dissemination of information and the training of the judiciary and law enforcement officials on the new law, in order to ensure strict application of the relevant criminal provisions;**

(d) **Analyse and address the root causes of trafficking, increase its efforts to address poverty and eliminate the vulnerability of girls and boys to exploitation and traffickers.**

**Children in street situations**

67. The Committee is concerned at reports according to which thousands of children, most of them aged 11 to 16 years, are in street situations, the gravity or even the existence of which is not adequately recognized, thereby limiting the protection afforded to these children.

68. **The Committee recommends that the State party:**

(a) **Develop a comprehensive strategy for the protection of children in street situations, including identifying the underlying causes, such as poverty, family violence, migration and the lack of access to education, with the aim of preventing and systematically eliminating this phenomenon. In this regard, the Committee calls upon the State party to pay special attention to the specific vulnerability of girls in street situations to sexual abuse, exploitation and early pregnancy;**

(b) **Develop initiatives that offer effective alternatives to institutionalization and facilitate the reunification of children in street situations with their families, whenever feasible and appropriate, taking into account the best interests of the child. In this context, the Committee recommends that the State party develop programmes that support their long-term educational and developmental needs, including through the provision of psychological support where possible;**

(c) **Ensure that members of the public and law enforcement officials who abuse and harass children in street situations or illegally detain them be held accountable.**

**Administration of juvenile justice**

69. The Committee is concerned at the absence of a clear legal provision concerning the minimum age of criminal responsibility, and at the absence of juvenile justice tribunals with specialized judges. The Committee is also concerned about:

(a) The lack of systematic provision of information to children on their rights when deprived of their liberty and the lack of legal aid for juvenile offenders, as well as the frequent trials of children in conflict with the law in the absence of their legal representatives or guardians;

(b) Inadequate alternatives to imprisonment; the preventive detention of children who cannot pay bail and the detention of children together with adults by the police;

(c) Children considered as being “beyond control” being placed in closed institutions at the request of their parents, in accordance with section 18 of the Juvenile Offenders Act;

(d) The lack of progress in restructuring institutions for the rehabilitation of minors in conflict with the law, and in properly training rehabilitation personnel.

70. **In the light of its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:**

(a) **Establish by law a minimum age of criminal responsibility in accordance with an internationally acceptable standard and refrain from sentencing minor offenders as adults;**

(b) **Expediently establish juvenile justice tribunals and procedures with adequate human, technical and financial resources, designate specialized judges for**



children and ensure that such specialized judges receive appropriate education and training;

(c) Ensure the provision of information to children on their rights when deprived of their liberty, and independent legal aid at an early stage of the procedure and throughout the legal proceedings, and ensure that no child is sentenced in the absence of their legal representative or guardian;

(d) Promote alternative measures to detention, such as diversion, probation, bail, mediation, counselling or community service, and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to withdrawing it;

(e) Refrain from preventive detention of children without release on bail, and remove all children in conflict with the law from adult detention facilities;

(f) Repeal section 18 of the Juvenile Offenders Act and provide families with difficulties in the upbringing of children with necessary support and counselling services, including through the involvement of NGOs;

(g) Restructure the reform institutions for the rehabilitation of minors in conflict with the law, in particular through the enhancement of education and training for children in rehabilitation centres, and the provision of adequate psychiatric, psychological and social counselling, and provide rehabilitation personnel with adequate training.

#### **J. Ratification of the Optional Protocol on a communications procedure**

71. The Committee encourages the State party, in order to further strengthen the fulfilment of children's rights, to complete, without further delay, the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

#### **K. Ratification of international human rights instruments**

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the 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 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.

73. The Committee also recommends that the State party ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

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

## **L. Cooperation with regional bodies**

75. 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 children's rights, both in the State party and in other African Union member States. The Committee recommends that the State party ratify the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

76. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, Parliament, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

77. The Committee also recommends that the third to fifth periodic reports and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

### **B. Next report**

78. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 1 March 2021 and to include in them information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines, adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1), and reminds the State party that future reports should be in compliance with the guidelines. In addition, in paragraph 16 of its resolution 68/268, adopted on 9 April 2014, the General Assembly decided to establish a word limit of 21,200 words for periodic reports submitted by State parties. 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. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for the purposes of examination by the treaty body cannot be guaranteed.

79. The Committee also invites the State party to submit an updated core document in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for core documents, as established by the General Assembly in paragraph 16 of its resolution 68/268, is 42,400 words.