



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Second periodic reports of States parties due in 1997

MAURITIUS* ** ***

[7 May 2004]

* For the initial report submitted by the Government of Mauritius, see CRC/C/3/Add.36, for its consideration by the Committee on 3 and 4 October 1996, see documents CRC/C/SR.332-334, and CRC/C/15/Add.64.

** This report has not been edited before being submitted for translation.

*** The annexes and appendices referred to in the report are available for consultation at the Office of the High Commissioner for Human Rights.

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Introduction

1. This document constitutes the Second Report submitted by the Republic of Mauritius as a State Party to the Convention on the Rights of the Child, in accordance with Article 44.1 (a) of the Convention and it covers the period 1995-2000. The report contains details of legislative and policy measures taken by the Member State to implement the provisions of the Convention on the Rights of the Child, with due regard to the local context, the existing legislative framework and the financial and human resources constraints which the country as a rapidly developing densely populated country, has to face. It recognises the role of catalyst played by the international objective. The cooperation of NGOs and the civil society in general, without whom, the provisions of the Convention cannot be fully implemented, is also acknowledged in the report.

2. The report comprises plans and projects for the future to be undertaken both by the Government and NGOs.

I. AREAS OF CONCERN RAISED IN THE 1996 REPORT OF THE COMMITTEE AND ACTIONS TAKEN

3. The issues identified as principal subjects of concern by the Committee on the Rights of the Child in its 1996 Report¹ and the actions taken thereto are addressed hereunder.

4. The main areas of concern in the Report “concluding observations of the Committee on the Rights of the Child: Mauritius” were set out in the following paragraphs. In each case the observations of the Committee are reproduced and are followed by comments.

The Committee is concerned that the Convention is not an integral part of the national legislation and that the national laws and regulations are not fully consistent with the principles and provisions of the Convention.

5. The Government of the Republic of Mauritius has taken several measures to amend existing laws and introduce new laws to ensure that the laws of the Republic do not contravene the Articles of the Convention. This is a long-term process which may involve changes to the Constitution of the Republic.

The Committee is concerned at the insufficient attention paid, at both national and local levels, to the need for an efficient monitoring mechanism that could provide a systematic and comprehensive compilation of data and indicators on all areas covered by the Convention and in relation to all groups of children, especially those who are victims of child abuse, ill-treatment or child labour or the administration of juvenile justice, as well as the girl child, children of single-parent families and those born out of wedlock, abandoned, institutionalised and disabled children, and children who, in order to survive, are living and/or working in the streets.

6. The Government has initiated action to make monitoring, compiling and evaluating data easier. However, data collection and compilation have not evolved sufficiently to allow accurate measurements to be taken. The available data is not always sufficiently analysed and

disaggregated to inform decision-makers and to target the most needy.² There is inadequate research on critical areas concerning children, especially as regards the poor data collection from the islands of Agalega, St. Brandon, and to a lesser degree, the island of Rodrigues.

As regards to the implementation of Article 4 of the Convention, the Committee notes with concern the inadequacy of measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children, especially children who are victims of abuse, children of single parents, children born out of wedlock, abandoned children, disabled children, children living in poverty and children who, in order to survive, are living and/or working in the streets. The Committee is also concerned at the lack of disaggregated data in relation to budgetary allocations for children.

7. Much has been done for abused, disabled and abandoned children with the scarce means available. With the dissemination of information on the subject, child abuse is now treated as an evil of society which has to be denounced. The subject has become less taboo and more cases are reported, though structures for support are not yet fully in place.

Children victims of abuse

8. In 1996 a Task Force was set up to help harmonise the laws of the country with the Convention. Wide consultations were held with NGOs and organisations working with children and recommendations were made to amend the legislation, including the Criminal Code, in order to translate the provisions of the Convention into Mauritian Laws. Protection of the Child (Miscellaneous Provisions) Act was passed in May 1998 and it amended the Child Protection Act 1994 together with 23 pieces of legislation.

Children born out of wedlock

9. Children born outside wedlock acquire the mother's name unless the father declares them. The same applies to children of single parents. These children have the legal capacity to inherit. The Civil Code was amended in 1980 to ensure that illegitimate children enjoy the same succession rights as legitimate children.

10. The Civil Service Family Protection Scheme Act and the Statutory Bodies Family Protection Fund Act were amended to extend the pensions payable on the death of government and statutory bodies employees to acknowledged children born out of lawful wedlock.

11. The Ministry of Social Security provides assistance to abandoned and unmarried mothers who are unable to earn a living and have insufficient means to support themselves.

Abandoned children

12. The Criminal Code was amended in May 1998 to provide: any parent who abandons for more than two months the family residence and eludes part of his and her duties commits an offence punishable by two years imprisonment and a fine of Rs 10,000 and any person who

abandons a child under 14 years of age in a selected spot is liable to five years imprisonment and a fine not exceeding Rs 25,000. The penalty is even heavier if the child is under the age of 7 and if the offender is his teacher or guardian. Reference is made to Section 264 of the Criminal Code.

Disabled children

13. A comprehensive study on disabled children is being carried out by the Ministry of Social Security. The objectives of the survey are to determine:

- (a) The exact number of disabled children in Mauritius;
- (b) The socio economic and geographical situations of their families;
- (c) The types of disabilities;
- (d) The capacity of services available to cater for the needs of such children;
- (e) The needs of those concerns as regards services.

14. The report will form the basis of the new national policy on disabled and handicapped children. For the first time, the national census carried out by the Central Statistical Office in 1990 began to identify disabled children. Section VI, paragraph 2 refers.

15. The care and rehabilitation of handicapped children is presently undertaken by the civil society with government assistance.

Children living in poverty

16. The Ministry of Women's Rights, Child Development and Family Welfare runs a scheme which provides emergency support to women and children who are in distress. The Ministry of Social Security provides grants to charitable institutions for the upkeep of orphans and abandoned children.

17. Social assistance is focussed on children in difficult circumstances, who receive social aid without having to undergo any income test. There is also a scheme to provide financial assistance for examination fees to children from poor families. Secondary school children who are in need, benefit from a book loan scheme.

18. No disaggregated information exists on children living in poverty. However, the problems of poverty and exclusion rank high on the government's agenda.

19. There is no specific information on street children. Section 7 of the Labour Act prohibits the employment of persons below the age of 15 and further provides that no person shall employ a person below the age of 18 on work which is harmful to health, dangerous or otherwise unsuitable for young persons.

The State party has not yet taken fully into account in its legislation and policies the general principles of the Convention: non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12).

20. The Government has undertaken comprehensive measures to ensure non-discrimination, the best interests of the child and respect for the views of the child. These are detailed in the report.

The Committee is concerned about the insufficient measures taken to make the principles and provisions of the Convention widely known to adults and children alike, in conformity with article 42.

21. With reference to the present report, Section II, the Government of the Republic of Mauritius has conducted many awareness educational and sensitisation campaigns to educate adults and children about the Convention, including publishing and distributing a large number of simplified booklets on the Convention on the Rights of the Child, to both children and adults. NGOs play a significant role in disseminating the Convention to specific groups. It is planned that the National Children's Council will start organising training of trainers sessions targeting mainly teachers.

The Committee is concerned that the education system might not be consistent with the provisions of the Convention regarding the right to education. In this regard, the Committee is deeply concerned at the high, school dropout rates, especially at the end of the primary education level, and at the high rate of illiteracy. It is also worried about the absence of supervision of private schools. The Committee is concerned, in addition, at the difficulties encountered by disabled children in gaining access to regular primary schools.

22. Much has and is being done to ensure high enrolment and non-discrimination against disabled children. The serious problems identified by the Committee are being addressed; namely, the high failure and illiteracy rates, and the lack of students progressing to higher education. Private schools are supervised by the Private Secondary Schools Authority.

The Committee is concerned that the provisions of the Penal Code relating to protection against sexual abuse, which provide no safeguard for the protection of boy victims, are inconsistent with the principles and provisions of the Convention.

23. The Criminal Code was amended in 1998 to make it an offence to have sexual intercourse with any "minor under the age of 16 or a mentally handicapped person, even with his consent". Before this amendment, only cases of sexual intercourse with girls were punishable, as the law did not mention boys.

Although the employment of children is governed by the 1975 Labour Act which prohibits the employment of children under 15, the Committee notes with deep concern that the 1990 census confirms the existence of working children, in particular on the island of Rodrigues where child labour is common.

24. Action is being taken in educating parents and children and reducing the incidence of child labour in Rodrigues. The problem is of breaking down traditions with regard to children working on farms, or in the family business. A study on this issue, funded by UNICEF helped in creating coherent strategy for Rodrigues.

The Committee is concerned by the reported increase in child abuse, including infanticide, domestic violence and child prostitution and the lack of adequate measures for the psycho-social recovery of child victims of such abuse.

25. Several initiatives have been undertaken to reduce the incidence of child abuse and domestic violence. The Child Protection Act was amended in 1998 to further protect the child and The Protection from Domestic Violence Act was passed in 1997 to protect spouses and children from violence at home.

26. The reported rise in child abuse is disturbing, and though part of the increase is probably due to greater awareness about the rights of children, and the provision of hotlines to report such abuse, there is still a lack of adequate facilities for the recovery of such children.

27. The commercial sexual exploitation and abuse of children have been of special concern to the Government. After the World Congress on the Commercial Sexual Exploitation of Children in 1997, a study on the subject was conducted and an action plan was prepared on the basis of the study, in consultation with NGOs. The plan has been partly implemented with the support of the civil society, UN agencies (UNICEF and UNFPA).

While noting with appreciation the establishment of the National Adoption Council, the Committee is concerned about the insufficient safeguards to protect fully the rights of children in the process of international adoption.

28. Mauritius has ratified the Hague Convention on Intercountry Adoption in 1999 and is in the process of creating the necessary mechanism to implement the Convention.

The situation in relation to the administration of juvenile justice and, in particular, its lack of compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant international standards, is a matter of concern to the Committee.

29. The Government has passed several pieces of legislation and introduced policy changes and amendments to safeguard the rights of the child as expressed in Articles 37, 39 and 40 of the Convention.

30. A review of the Juvenile Justice Administration in Mauritius has been carried out with UNICEF support. A copy of the report is at Appendix.

Suggestions and recommendations

In the spirit of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in June 1993, in which States were urged to withdraw reservations to the Convention on the Rights of the Child, the Committee wishes to encourage the State party to take steps to withdraw its reservation to article 22 of the Convention.

31. Reference is made to the initial report of the Republic of Mauritius, Section VIII, paragraph 127.

The Committee recommends that legislative measures be undertaken to ensure that national legislation conforms with the provisions of the Convention. The Committee encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

32. Reference is made to the present report, Section II.

The Committee recommends that the State party strengthen coordination between the various governmental mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention in the country.

33. Reference is made to the present report, Section II.

The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating progress achieved and the difficulties hampering the realization of children's rights for all groups. They can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including disabled children, children born out of wedlock, children ill-treated and abused within the family, children who are victims of sexual exploitation, and children who are forced to live and/or work in the streets in order to survive. It is further suggested that the State party request international cooperation in this regard.

34. Reference is made to the present report, Section II.

The Committee encourages the State party to consider the establishment of an independent mechanism, such as an Ombudsperson for the rights of the child.

35. Reference is made to the present report, Section II.

The Committee encourages the Government of Mauritius to pay particular attention to the full implementation of article 4 of the Convention and to ensure adequate distribution of resources at both central and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

36. Government is working towards the full implementation of Article 4 of the Convention. The present report, particularly Section II sets out the measures that have been taken and that are under way to achieve this objective.

The Committee recommends that the State party launch a permanent information campaign, for both children and adults, on the Convention on the Rights of the Child. The Government should consider incorporating the Convention in school curricula and take appropriate measures to facilitate access by children to information produced for them. The Committee suggests that the State party develop a comprehensive training programme for professional groups such as teachers, social workers, doctors, law enforcement personnel and immigration officers. Police officers must be specially trained to deal with child abuse and neglect.

37. Action is already being taken both by the Government and by NGOs to disseminate information about the Convention. Professional groups, viz police officers, social workers, etc. are receiving training on the issues dealt with by the Convention. The teacher training curriculum takes into account the Convention on the Rights of the Child and handbooks. The Education for Development Project (EDEV), a joint project by Government and UNICEF started in 1996, aims at training teachers to adopt a more development oriented approach to teaching.

The Committee encourages the State party to undertake a comprehensive study on the impact of malnutrition on child development in connection with school drop-out and child labour, and to take all appropriate measures to address this problem. International cooperation could be requested to achieve this task and consideration should be given to the strengthening of cooperation with the International Labour Organization and the United Nations Children's Fund (UNICEF). It is also recommended that the State party encourage and support the establishment of day-care centres at workplaces, to enable children of working mothers to benefit from a healthy development.

38. Though there have been nutritional, child labour and education surveys, there has not to-date, been a survey that has studied the links between the three issues. The reform in the education system which is being introduced has among its objectives to reduce the rate of school drop-outs by making the curriculum more child-friendly and by providing vocational training to those children who are not successful in the academic field. The proposed 11 year schooling system and vocational training facilities will be expanded further and will play a crucial role in keeping children, especially those who fail their CPE or SC, out of work and in an educational or vocational institutions.

39. Childcare facilities are provided by the Civil Society and Government is in the process of setting up a mechanism to regulate and upgrade the standard of the centres where necessary.

The Committee recommends that a global study on the quality of the education system be made. In the light of article 2 of the Convention, the Committee also recommends that the State party take all necessary measures to fight school drop-out and to prevent child labour. Measures should be taken to prevent a rise in discriminatory attitudes or prejudice towards girl children and children belonging to minority groups. It is also suggested that sexual education be included

in school curricula. It recommends that comprehensive studies be initiated on these important issues to provide better understanding of these phenomena and facilitate the elaboration of policies and programmes to combat them effectively.

40. A reform of the education system is underway. In 1998, the Ministry of Education started implementing an action plan for education and vocational schools were opened to integrate primary school drop-outs. Discrimination on the grounds of race (etc) is unconstitutional and is prohibited in the education system.

The Committee also recommends that, in order fully to protect the rights of the child in adoption procedures, the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

41. Reference is made to Section IV, and to paragraph 28 above.

In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism. The Committee also recommends that the Penal Code be amended in the light of the Convention. Further measures should be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention.

42. Action has been taken to amend the Criminal Code and other relevant legislation in line with the spirit of the Convention - Section I refers. Further action will be taken following the legislation review referred to at paragraph 10.a. Measures taken to ensure the physical and psychological recovery of abused children, include legislative measures, are set out in Sections II and VI.

The Committee recommends that the State party envisage undertaking a comprehensive reform of the Juvenile Offender Act in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to considering deprivation of liberty only as a measure of last resort and for the shortest possible period, to protecting the rights of children deprived of their liberty, to due process of law and to the full independence and impartiality of the judiciary. Training programmes on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee also recommends that the penal law be amended so that adults having sexual intercourse with boys under 16 be considered as a criminal act. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

43. The law was amended in 1998, with the word “female” in section 249(4) of the Criminal Code being replaced by the word “minor”.

Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by Mauritius be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

44. Several measures have already been taken to disseminate the Convention and its principles, both by Government and by NGOs. Action will be taken as appropriate to publicize the initial report and the concluding observations of the Committee as well as the written replies by Government.

II. GENERAL MEASURES OF IMPLEMENTATION

Article 4

Measures taken to harmonize national legislation and policy with the provisions of the Convention

45. Reference is made to the initial report of the Republic of Mauritius, paragraphs 6 to 16.

46. Several measures have been taken to implement the provisions of Article 4 of the Convention. In 1996, a task force was created to help harmonise the laws of the country with provisions of the Convention. Wide consultations were held with NGOs and organisations working with children and the task force came up with recommendations to amend the Child Protection Act and the Criminal Code, with a view to translating the provisions of the Convention into Mauritian law. These recommendations were adopted and amendments were made to the legislation accordingly. These are detailed in the paragraphs 5 to 62.

47. The Protection of the Child (Miscellaneous Protection) Act 1998 (Annex 3), was enacted on 22 August 1998, amending 23 laws as follows:

(a) Pursuant to Articles 19 and 6 of the Convention, the definition of “harm” in the Child Protection Act was extended to include sexual harm. The Act previously provided only for physical, psychological, emotional or moral injury, ill treatment and impairment of health or development. The amendment allowed a magistrate to issue an Emergency Protection Order when he had reasonable cause to believe that any child was suffering, or ran the risk of suffering from any form of sexual abuse;

(b) Pursuant to Articles 19 and 36 of the Convention, the Child Protection Act was further amended to:

(i) Extend the duration of an Emergency Protection Order from 8 to 14 days;

- (ii) Extend the time limit for appeal against the issue of an Emergency Protection Order from 10 to 21 days;
- (iii) Make it a duty for any person in the medical or paramedical profession or a member of the staff of a school to report cases of suspected abuse
- (iv) Make it illegal for any person other than the agent of any educational or cultural institution to give access to a video club or to rent video tapes to a child aged below 16;
- (v) Define “child” and “minor”, as any unmarried child under the age of 18”;
- (vi) Deleting references to “child and redefining “young offender” as being a “minor” when new means a person below 18 years;

(c) Pursuant to Articles 19(1) and 36 of the Convention, the Cinematography Act was amended by Act 15/98 to punish any person who admits a minor at the exhibition or proposed exhibition of a cinematographic film in breach of a condition imposed by the Board of Censors under the Act or under its regulations. The offence is punishable by a fine not less than Rs 5,000 and not more than Rs 50,000 and imprisonment for a term not exceeding two years;

(d) The Civil Service Family Protection Scheme Act and the Statutory Bodies Family Fund Act were amended by Act 15/98 to extend the pensions payable on the death of employees of the government and statutory bodies to acknowledged children born out of lawful wedlock. Previously even though the Civil Code had been amended to give to natural children the same pensions rights as legitimate children, the two pensions schemes administered by the State, and paid out of public funds made provisions for legitimate children only, in violation of Articles 2 and 26 of the Convention;

(e) Pursuant to Articles 19 and 33 of the Convention, the Dangerous Drugs Act 1986, now repealed was amended by Act 15/98 in 1998 to provide for increased penalties for those who provide drugs to children. The act of administering, selling or supplying drug to a minor, or mentally handicapped person is an aggravating circumstance and the accused is liable to a fine not exceeding Rs 50,000, and imprisonment not exceeding 20 years. (See Section 41(1)(g) of DDA 2000);

(f) Pursuant to Articles 3 and 12 of the Convention, the Divorce and Judicial Separation Act was amended by Act 15/98 to make it mandatory for courts to seek the views of a child above the age of 10 and capable of discernment, in any case in which the child has an interest. Before the amendment, the court only had discretion to hear a child;

(g) Pursuant to Articles 40(2)(b)(ii) and 37(d) of the Convention, the Legal Aid Act was amended by Act 15/98 to ensure that any minor charged with a crime or misdemeanour is assisted by counsel;

(h) Pursuant to Article 19 of the Convention, the Explosives Act was amended by Act 15/98 to provide that no person shall cause, or permit a minor to handle any explosives;

(i) Pursuant to Article 19 of the Convention, the Firearms Act was amended by Act 15/98 to prohibit the issue of a firearm license and permit to use a firearm or ammunition to a minor;

(j) Pursuant to Articles 19 and 36 of the Convention, the Gaming Act was amended by Act 15/98 to ensure that no pool promoter, or agent of a pool promoter, or collector, or bookmaker, or pari mutuel organiser or operator of a totaliser, transacts any business with a minor. Any such transaction may be declared void at the request of the minor;

(k) Pursuant to Articles 40(2)(b)(vii) of the Convention, the Juvenile Offenders Act was amended by Act 15/98 to restrict the circulation of reports of all proceedings taken in juvenile courts;

(l) Pursuant to Articles 20(3) and 21(b) of the Convention, the National Adoption Council, (NAC), was amended by Act 15/98 to provide that adoption of a Mauritian child by a non-citizen would only be approved after considering all other possibilities of adoption in the country;

(m) Pursuant to Articles 19 and 36 of the Convention, the Pawnbrokers Act was amended by Act 15/98 to prohibit pawn-broking with a minor;

(n) Pursuant to Articles 19 and 36 of the Convention, the Pesticides Control Act was amended by Act 15/98 to prohibit the employment of a person below the age of 18 in the manufacture or processing of pesticide;

(o) Pursuant to Articles 19 and 36 of the Convention, the Pharmacy Act was amended by Act 15/98 to prohibit the sale of any poison specified in the schedule of the act to a minor;

(p) Pursuant to Articles 19, 32(1), 36, and 38(3) of the Convention, the Police Act was amended by Act 15/98 to prohibit the issue of a license to employ a minor for security or protection services;

(q) Pursuant to Articles 9(4), 37(c) and 40 of the Convention, the Juvenile of Offenders Act was amended by Act 15/98 to provide:

- (i) That where any person below the age of 18 is apprehended by the police, the police officer shall immediately take all reasonable steps to inform the parents or guardian of the child, and of the place where the child may be seen;
- (ii) No statement should be recorded from an apprehended person below the age of 18 outside the presence of his parent or guardian unless such parent/guardian cannot be contacted within a reasonable time or fails to call at the police station;

(r) Pursuant to Articles 14, 13 and 20(3) of the Convention, the Reform Institutions Act was amended by Act 15/98 to such religious instruction or training being given to detainees who so consent or whose responsible parties consent;

(s) Pursuant to Article 15 of the Convention, in 1998, the Registration of Associations Act was amended by Act 15/98 to provide that a minor with the written permission of his responsible party, be admitted as a member of a registered association. No minor is to be appointed to the committee or as an officer of a registered association;

(t) Pursuant to Article 32 of the Convention, the Shops Act was amended by Act 15/98 to provide that no child of an occupier should be employed or allowed to serve customers in any shop where the child is below 15 years of age;

(u) Pursuant to Articles 19 and 36 of the Convention, the Stage Plays Act was amended by Act 15/98 to prohibit the admission of any minor to a public place where a stage play is to be performed when such admission takes place in contravention of a condition imposed by a board of censors.

48. The Criminal Code (Amendment) Act, (Annex 4), was passed on 22 May 1998 to provide for the following:

(a) Pursuant to Article 35 of the Convention, a new Section 262 was added to the Criminal Code, relating to change of domicile. Any person who has the custody of a minor and fails to notify to any person who, by virtue of a judgment, has the right of visit or lodging in respect of the said minor, any change of domicile of the minor shall commit an offence;

(b) Pursuant to Article 35 of the Convention, Section 268 of the criminal code amended in 1998 to provide that any person who fails to present a minor to the person who has the right to claim the minor shall commit an offence which carries the penalty of imprisonment not exceeding one year, and a fine not exceeding Rs 5,000;

(c) Pursuant to Articles 18, 19 and 27 of the Convention new Section 260 Criminal Code was added in 1998 providing that any parent who abandons for more than two months the family residence and eludes all or part of his or her material or moral responsibility commits an offence punishable by a maximum of two years imprisonment and a fine not exceeding Rs 10,000;

(d) A new Section 261 of the Criminal Code was introduced in 1998 providing that any person who has been judicially ordered to pay alimony to his spouse or children and voluntarily fails during 2 months to pay the full amount shall commit an offence;

(e) Pursuant to Articles 18, 19 and 27 of the Convention, a father or mother who through ill treatment, pernicious examples of habitual drunkenness, notorious ill conduct, or a lack of care that seriously endangers the health, security or morality of the child will be liable to imprisonment not exceeding 2 years and a fine not exceeding Rs 10,000;

(f) Pursuant to Article 19 of the Convention, Section 263 of the criminal code provides that any person who abandons a child under 14 years of age in a secluded spot, is liable to fine of five years imprisonment and a fine not exceeding Rs 25,000;

(g) Pursuant to Articles 18 and 19 of the Convention, Section 264 of the criminal code provides that where any child under the age of 7 has been exposed or abandoned in a secluded spot by his father, mother, guardian or teacher, the offence is punishable by a term

of imprisonment of not less than two years and not more than ten years, and a fine of up to Rs 50,000. If the child is abandoned in a place that is not secluded, it is an offence liable to a minimum mandatory one year term of imprisonment and a fine of not less than Rs 1,000;

(h) Pursuant to Article 19 of the Convention, Section 228 of the criminal code was amended to provide a more severe sentence when a victim of an assault with an aggravating circumstance is a minor under the age of 16 years, or a physically, or mentally handicapped person. The person convicted is punishable by a mandatory term of imprisonment of not less than two years. Both the possibilities of conditional discharge and a probation order have been excluded;

(i) Pursuant to Article 19 of the Convention, Section 230 of the criminal code refers to simple assault of a minor, or a physically or mentally handicapped person. The minimum sentence is imprisonment of not less than three months. The possibility of a conditional discharge and a probation order have been excluded;

(j) Pursuant to Article 19 of the Convention, Section 231 of the criminal code has been amended to extend the application of the severest penalties prescribed under sections 228 and 229 of the Criminal Code wherever any offence is committed upon the spouse of the offender or upon any person with whom he has been living maritally or upon any minor child of such a person;

(k) Pursuant to Articles 19 and 34 of the Convention, in 1998, Section 249 of the criminal code was amended to make it an offence to have sexual intercourse with any "minor under the age of 16 or a mentally handicapped person, even with his consent". Further, a higher penalty has been provided where the victim is a child or a mentally handicapped person living under the same roof as the offender is, or where the victim is the child of the offender's partner. Before this amendment, only cases of sexual abuse against girls were punishable, as the law did not mention boys;

(l) Pursuant to Articles 19 and 34 of the Convention, Section 250 of the criminal code was amended to provide that where the victim of sodomy or bestiality is either a minor, or a physically or mentally handicapped person, the punishment should be a minimum of two years imprisonment. Both the possibilities of a conditional discharge and a probation order have been excluded;

(m) Pursuant to Article 19 of the Convention, Section 251 of the criminal code was amended to make the penalty for any offence in relation to debauchery or corruption of a youth to be a term to imprisonment of not less than one year nor more than five years. Where the guardian has committed the offence or any person entrusted with the care of the youth has committed the offence, the term of imprisonment will not be less than two years and not more than eight years;

(n) Pursuant to Articles 19 and 34 of the Convention, Section 253 of the criminal code which deals with the procuring, enticing and exploiting of a prostitute, was amended to extend such a criminal offence to any person who draws any benefit from the prostitution of

another person, or who shares the earnings or receives money from a prostitute. The sentence is imprisonment not exceeding two years and not more than ten years, and a fine not exceeding Rs 10,000;

(o) Pursuant to Articles 19 and 34 of the Convention, under Section 254 of the criminal code, the offence of sexual harassment was introduced. A person who abuses the authority conferred upon him by his functions, threatens or constrains another person so as to obtain that person's sexual favour, is punishable by imprisonment not exceeding two years, and a maximum fine of Rs 100,000. Where the victim is a minor or a mentally handicapped person, the minimum term of imprisonment shall be one year and a fine not exceeding Rs 100,000;

(p) Pursuant to Articles 19 of the Convention, Section 303 of the Criminal Code was amended to provide a minimum term of imprisonment of two years in case a minor or a physically or mentally handicapped person is wounded by a person using an offensive weapon whilst committing larceny. The possibility of a conditional discharge or a probation order was excluded;

(q) Pursuant to Articles 19 and 35 of the Convention, under section 262(A) of the criminal code, a person who incites a child's parent to abandon the child for pecuniary gain, commits an offence as do the intermediaries acting for gain in relation to such abandonment or in relation to the adoption of a child;

(r) Pursuant to Articles 19 and 35 of the Convention, and under Section 5(3) of the Criminal Code (Supplementary Act), a person who despite being warned, harbours a minor whom he knows to be absent from his domicile without permission, will be liable to a fine not exceeding Rs 10,000 or imprisonment not exceeding 2 years;

(s) Pursuant to Article 19 of the Convention, Section 304 of the criminal code provides that where a minor or a physically or mentally handicapped person is assaulted by a person committing larceny by means of breaking into a dwelling house at night, the minimum mandatory term of imprisonment shall be two years. Section 305 of the criminal code was amended to provide for a minimum mandatory term of two years imprisonment in all cases where a minor or a physically or mentally handicapped person is the victim of a larceny committed in the following aggravating circumstances:

- (i) An offensive weapon, any instrument has been used;
- (ii) Two or more persons commit the larceny;
- (iii) The larceny has been accompanied by the use of violence;
- (iv) The larceny is committed in a dwelling house and with the use of threats to commit bodily harm;
- (v) The larceny is committed on a public road.

(t) Pursuant to Article 19 of the Convention, in all cases where a minor or a physically or mentally handicapped person is the victim of a larceny committed with the use of violence, Section 310 of the criminal code provides for a penalty of minimum two years imprisonment;

(u) Pursuant to Articles 19 and 36 of the Convention, Section 330 of the criminal code has been amended to provide that where in cases of swindling, the victim is a minor or a physically or mentally handicapped person, the minimum sentence shall be a term of imprisonment not less than two years and a fine of not less than Rs 10,000;

(v) Pursuant to Articles 19 and 36 of the Convention, Section 343 of the criminal code has been amended to provide that where a deceived purchaser is a minor below the age of 16 or a mentally handicapped person, the punishment shall be a minimum mandatory penalty of not less than three months imprisonment and a fine not less than Rs 1000.

49. The Criminal Code Supplementary (Amendment) Act, (Annex 5), was passed in 1998 by Act 14 of 1998, making provisions as follows:

(a) Pursuant to Articles 19 and 34 of the Convention, a person who sells, lends, hires or distributes to a minor, or exposes or allows to be exposed to the view of a minor any obscene matter, shall commit an offence liable to imprisonment of not less than 3 months and not exceeding 2 years, and a fine not exceeding Rs 25,000. The possibility of a conditional discharge or a probation order has been removed;

(b) Pursuant to Articles 19 and 34 of the Convention, under Section 90 of the Criminal Code (Supplementary)(Amendment) Act 1998, the law concerning persons who deal with brothel keeping was amended by the fine being increased from Rs 3,000 and imprisonment not exceeding one year, to a fine not exceeding Rs 100,000 and imprisonment not exceeding five years. Where a person in relation to premises used as a brothel permits a minor to use such premises he shall be liable on conviction to be sentenced to a minimum of two years imprisonment.

50. In 1999, the Civil Code (Code Napoleon), (Annex 6), was amended to provide for the following rights:

(a) Pursuant to Articles 3, 12, 37(d) and 40 of the Convention, new sections 388-1 and 388-2, added in 1999, provide that any child who is capable of discernment might apply to be heard in court in any case which concerns him or her. In the same manner, the judge may designate a person to represent the interest of the child when the latter's interest seems to be in opposition to that of those who represent him in a case;

(b) Pursuant to Articles 19 and 40(2)(b)(vii) of the Convention, Sections 221-1, 221-2 and 221-3 have been added to the Civil Code to provide that in a case where a parent misuses or wastes the resources of the family and puts the family at risk, the judge in a closed session in camera may issue an order to restrict such misuse. For instance, a father who gambles and puts at risk the sustainability of his family may be ordered by the judge to stop engaging in such acts;

(c) Pursuant to Article 19 of the Convention, amendments were made to protect the property rights of minors. Previously, a father could, as the legal administrator of the property of the minor, sign security for a third person and engage his and his children's property without seeking the consent of his spouse. With the amendments introduced in the Code, the consent of both parents is now required.

51. In May 1997, the Protection from Domestic Violence Act, (Annex 7), was enacted, and proclaimed in full in March 1998. The aim of the Act is to protect spouses and children from violence at home, the definition of violence includes:

- (a) Physical injury;
- (b) Placing the spouse in fear;
- (c) Intimidation, harassment, maltreatment;
- (d) Brutality or cruelty;
- (e) Compelling the spouse by force or threat to engage in any conduct or act, sexual or otherwise from which the spouse has the right to abstain;
- (f) Confining or detaining the spouse against her will;
- (g) Any harm or threat to the child of the spouse;
- (h) Causing or attempting to cause damage to the spouse's property or a threat to commit any of these acts.

52. The Protection from Domestic Violence Act provides for the issue of:

- (a) Protection orders which restrains the abuser from further violence and orders him to be of good conduct. The order can last for a period not exceeding 24 months;
- (b) Occupancy orders which grant exclusive rights to the victim to live in the residence, which may belong to the victim, or the abuser, or both. This order may last for a maximum of 24 months;
- (c) Tenancy orders which gives the victim the exclusive right to occupy a rented house, and if the abuser rents the house, he has to pay the rent.

53. In determining the order, the court must consider the need to ensure that the victim is protected from domestic violence, the welfare of any child affected or likely to be affected, the accommodation needs of the aggrieved spouse and her children, and any hardship caused to the respondent spouse and her children.

The status of the Convention in domestic law

54. Reference is made to the initial report of the Republic of Mauritius, paragraphs 12 to 16.

55. All fines pertaining to child abandonment, abuse, or neglect should be increased.

56. Though the Constitution of the Republic of Mauritius does not specifically mention the rights of the juvenile offender, it applies equally to both adults and children. However, as the establishment of specific rights for children was a key recommendation of the 1996 report in the “Concluding observations of the Committee on the Rights of the Child: Mauritius”,³ and as there are areas in the Constitution, such as Section 10(10) which deprive a child of the right to privacy pursuant to Article 40(2)(b)(vii), it is essential that such shortcomings are dealt with speedily.⁴

57. The amendments and additions to the national legislation mentioned above have made it possible to apply provisions of the Convention before the courts.

58. “In the event of a conflict between national legislation and the Convention, the Civil Code states that the best interest of the child must be respected.” Section 10(10) of the Constitution provides that the announcement of the decision of the Court must be made in public. However, it is to be noted that the criminal law under Section 161A of the Courts Act, makes provision to exclude persons from proceedings if the judge or magistrate considers that:

- (a) Publicity would prejudice the interests of justice or of public morality;
- (b) To safeguard the welfare of persons under the age of 18 years;
- (c) In order to protect the privacy of persons concerned in the proceedings;
- (d) In the interests of defence, public safety, or of public order.

Article 41

59. Pursuant to Article 40(2)(a) of the Convention, Section 10(4) of the Mauritian Constitution prohibits the application of retrospective penal law. Section 10(4) further provides that a penalty that is more severe than was the maximum penalty at the time of the time of the offence.

60. Pursuant to Article 40(2)(b)(iii) of the Convention, Section 13(1) of the Juvenile Offenders Act provides for a parent or legal guardian to be present during the hearing. Furthermore, Section 13(3) of the Juvenile Offenders Act provides for the issuance of a summons and if the parent or guardian fails to comply with it, he/she may be arrested to ensure that they are present at the child’s hearing. The law does not deal with instances where a parent or legal guardian is not present. It should be amended so that the child may ask that a relative attend the hearing, or failing that, the court, in consultation with the child, should provide a Probation Officer or social worker to be with the child.⁵

61. Pursuant to Article 40(2)(b)(vi) of the Convention, Section 10(2)(f) of the Constitution provides for the free assistance of an interpreter provided by the state, where the Accused does not understand the language in which the hearing is being conducted.

Remedies available in case of violation of the Convention

62. Reference is made to the initial report of the Republic of Mauritius, paragraphs 12 to 15, 20 to 27, 40, 41, 43, 46, 50, 74 to 77.
63. A number of remedies available in case of violation of the Convention are set out in the preceding paragraphs.
64. Pursuant to Article 40(2)(b)(v) of the Convention, Section 23 of the Juvenile Offenders Act, the Criminal Jurisdiction Act, and the District and Intermediate Courts (Criminal Jurisdiction) Act, ensures the right of appeal, and the “right to challenge any measure” brought against the child. However, the Legal Aid Act will have to be amended to ensure that the child has the right to continued legal assistance for his appeal or challenge, pursuant to Article 40(2)(b)(ii) of the Convention.⁶
65. The Child Development Unit, (CDU), was created in 1995 to implement the Child Protection Act, (CPA). In 1996, the services were decentralised to the six regions all over the island, and one in Rodrigues, to help make them more accessible. Six hotlines were established for the provision of a 24-hour service. Each centre is provided with transport facilities. The situation is different in Rodrigues where no such facilities exist. A working arrangement was established with the Police and the Island Secretary in Rodrigues, and a social worker, and officers from the Rodriguan Women and Child Protection Unit, liaise with the Ministry of Women’s Rights, Child Development and Family Welfare (MWRCDFW), to implement the Child Protection Act and deal with cases of child abuse. The MWRCDFW intends to set up a complete unit on the island, together with structures for shelter, psychological and legal counselling. Even hotlines that are not dedicated to child abuses cases, such as the HIV/AIDS information hotline, have been used to inform the relevant authorities of child abuse. Such use may indicate that more awareness campaigns need to be run. In the event of abuse, or suspected abuse, the Protection from Domestic Violence Act of 1997, as amended in 1998, may be resorted to.
66. The National Children’s Council, (NCC), fulfils an extremely important role in promoting the rights of the child, and protecting children from all forms of abuse. However, it has to be restructured and upgraded to address the actual needs of society. It has to be provided with sufficient human and financial and organisational structures to enable it to play a significant role. Plans for its restructure are underway and are dealt with in paragraphs 80 to 84.

Comprehensive national strategy

67. Reference is made to the initial report of the Republic of Mauritius, paragraphs 7 to 16.
68. The National Action Plan for the Survival, Protection and Development of Children, (NAP), - Phase I, was followed in 1998 by the NAP for the Protection and Development of Children Phase II, (Annex 7). The term “survival” was removed as most of the basic survival needs are already being catered for. The main recommendations of the NAP were:
- (a) Reduction of the infant mortality rate by 1/3, or to 5/1,000 live births whichever is lower;

- (b) Special attention to be given to the health and nutrition of the female child, and to pregnant, lactating women;
- (c) Reduction in low birth weight in babies;
- (d) Expansion of early childhood activities;
- (e) Reduction of the under five mortality by 1/3 or to 3/1,000 live births, whichever is less;
- (f) Access by all couples to family planning;
- (g) Empowerment of women to exclusively breastfeed their children for three months and to prolong breast feeding for nine months;
- (h) Reduction by half of severe and moderate malnutrition among children under five between 1990 and 2000;
- (i) Access by all pregnant women to antenatal care and trained birth attendants;
- (j) Growth promotion and its regular monitoring to be institutionalised in all regions;
- (k) Immunisation of over 90% of children under one year of age;
- (l) Equality in education and full integration of disabled children in society;
- (m) Reduction in adult illiteracy;
- (n) Reduction of child labour and protection of children in employment;
- (o) Universal access to safe drinking water and to sanitary facilities;
- (p) Improved protection of children, especially those in difficult circumstances.

69. A national coordination committee was created to monitor the implementation of the measures spelt out in the National Plan of Action, formulated with UNICEF support.

Institutional mechanisms

70. Reference is made to the initial report of the Republic of Mauritius, paragraphs 16, 55 to 77, 79 to 87, 96 to 105, 110 to 125, 128 to 145, 147 to 149, 151 to 153, 156 to 164.

71. A referral system operates between the MWRCDFW and the Ministries of Health, Social Security, the Police, the Probation Services and some NGO's such as the National Children's Council as far as cases of child abuse are concerned. However there is a need to improve the coordination and the communication network between the different services and agencies to ensure a more efficient response to the problems.

72. In 1999, with UNICEF assistance, the ministries and NGOs concerned the British High Commission, and Soroptimist International, initiated a project for an integrated approach to child protection, and for the assessment of children in need and their families. The Child Abuse Protocol, (CAP), and a Child Protection Protocol, (CPP), were prepared and the Child Protection Unit (CPU), was launched in 2000 in the Plaines Wilhems region. The aim of the CPU is to provide integrated services in one location, so that children victims of abuse do not have to undergo repeated questioning. Initially 25 staff members of the MWRCDFW, the Police force, the Ministry of Education, the Ministry of Health, the Probation Service, the State Law Office, Save the Children Mauritius and S.O.S Children's Village were trained by officers of the Durham Constabulary. The course was designed to address three key areas, viz. Sharing information between agencies involved in child protection, interviewing child victims and multi-agency investigation. There is a need to further develop the scope of the training and to extend it to all ministries and to NGOs and professionals who deal with children.

73. The MWRCDFW proposes to set up Child Protection Units in other regions, viz in the Port Louis region for a start.

74. The National Women's Council, (NWC), is staffed by counsellors and psychologists of the Domestic Violence Intervention Unit, (DVIU), who provide a free Family Counselling Service, (FCS) to members of the public and children. This service operates in six regions in Mauritius, and receives about 2,000 new cases every year.

75. The NCC, operational since 1990, has been conducting sensitisation campaigns, and information and education, programmes on child rights. The NCC Act provides that the council should:

- (a) Coordinate the activities of organisations working for the welfare of children;
- (b) Identify actions and projects that will promote the welfare of children;
- (c) Establish contacts with organisations engaged in similar activities in Mauritius and abroad;
- (d) Advise the minister on measures to promote child survival, development and protection;
- (e) Promote the welfare of children generally;
- (f) Assist in the implementation of international instruments on the rights of the child to which Mauritius has acceded;
- (g) Monitor, follow-up and evaluate implementation of actions and projects recommended by the council to governmental organisations working for the welfare of children.

76. The NCC coordinates activities among 21 NGOs, and is managed by a National Committee of 16 members, including representatives from the Ministries of Health, Education, Social Security, the Prime Minister's Office and representatives of NGOs who are elected at the Annual General Assembly.

77. In 1998, a task force was set up by the MWRCDFW to advise on a review of the activities of the Council, as it was felt that the NCC was not functioning effectively, by providing only education and information. The NCC Act did not provide scope for children's participation, and the Council was not engaged in research and identification of policy issues concerning children.

78. Subsequently, a private consultancy firm was assigned the review with the following terms of reference:

- (a) To assess the main achievements of the NCC since its creation in 1990;
- (b) To identify and prioritise the role and the main field of activities of the Council for the next five years;
- (c) To identify the role to be played by the council and the partners with whom it should collaborate; and
- (d) To recommend amendments to be made to the status, objectives and operational structure of the Council.

79. The areas for improvement identified by the review were:

- (a) The need for increased autonomy and decision making;
- (b) The need for improvement of quality and quantity of human resources;
- (c) The need for improvement in input from NGOs;
- (d) The need for a review of the membership of the Council; and
- (e) The need for improved financial resources.

80. The review came up with the following recommendations:

- (a) The composition of the NCC should be extended to include community based associations;
- (b) The NCC should have more autonomy and independence to function as an institution defending the interests of the child;
- (c) The organisational structure should be improved and strengthened;
- (d) The Council should set up and maintain a database;
- (e) Children's participation in the Council should be ensured through Children's Organisations - new project which is to be finalised shortly - and the creation of a National Children's Club;
- (f) The NCC should act as an Ombudsman for children, and see to it that children who come into conflict with the law are afforded all the guarantees of a fair trial.

81. A new NCC Bill is being prepared by the MWRCDFW.

Civil participation

82. In 1998, a Child Watch Network, (CWN), comprising the MWRCDFW, NGOs, community-based associations and social workers was launched in the Port Louis and Black River areas on a pilot basis. It is an informal group, which acts as a surveillance team for the early detection of children who are at risk and enables prompt intervention. Some of its objectives changed, and were widened during the course of operations. It now spreads information about children and women's rights in the community, and empowers people to take action at the community level. Measuring the effectiveness of this project has been problematic, in view of the scarce resources, but judging from the excellent response of communities to volunteer for projects operated by the MWRCDFW, the CWN has been a success. Plans are underway to extend it to other regions.

83. The duty of reporting suspected cases of child abuse should not rest solely with those in the medical and teaching professions. It should instead be the civic responsibility of all citizens and mass sensitisation programmes should be carried out to encourage such action. A number of NGOs are engaged in working for children, in the fields of education, rehabilitation of the disabled, dissemination of information, counselling, protection, health and training.

84. In 1999, a group of approximately 100 volunteers conducted door-to-door counselling in the Port Louis region to sensitise families about the commercial sexual exploitation of children. They reached about 1,000 families during the seven-week campaign, and supported the MWRCDFW in organising a public march against child prostitution.

85. The government set up a shelter in September 1998 to accommodate children in distress, and the shelter is now being run by the NWC. Two other shelters for victims of domestic violence are operational, one managed by a private trust, and the other run by an NGO.

Data collection

86. Data about educational, health and social indicators is collected by the Central Statistics Office and the MWRCDFW. The MWRCDFW also collects data on child abuse cases. A referral system has been established between the Ministries of Health, Social Security, and Labour for all cases of child abuse. However, there is a need to improve data collection, especially disaggregated and other data specifically required by the guidelines to the Convention. There is a lack of resources to complete the National Child Protection Register. The MWRCDFW is grossly understaffed and due to the scarcity of staff can barely deal with the day to day work. Similarly, the standardisation of data collection, methodology was to have been accomplished by the CDU, but the work has been greatly hampered by lack of resources. Without the development of a data collection infrastructure at the local and regional levels, the CPU will be powerless to standardise and collect relevant data.

87. Similarly the NCC which is expected to build a data base on children and compile statistics necessary for policy formulation encounter great difficulties to accomplish this task, without neglecting other areas within its mandate due to scarcity of human and financial resources.

88. Once data has been collected, there needs to be one organisation that liaises with the bodies concerned, and analyses all the findings into coherent policy. Without this, the data will be meaningless, and policies will be implemented in isolation, leading to confusion, and contradictory policies.

89. Not enough attention has been paid to the islands of Rodrigues, Agalega and St. Brandon, in ensuring that data is collected from them, in a timely fashion, and their needs understood and catered for. Though the child population of Agalega and St. Brandon are small, they do have the same rights and needs as children on the mainland.

Budget allocated to social expenditure for children

90. A Comprehensive Survey on Disabled Children is being carried out by the Ministry of Social Security. The objective of the survey are:

- (a) To determine the exact number of disabled children in Mauritius;
- (b) To determine the socio-economic and geographical situation of families with disabled children;
- (c) To determine the types of disabilities occurring among these children;
- (d) To assess the capacity of services available for disabled children in terms of infrastructure, human and financial resources and the types of services offered; and
- (e) To determine the needs prevailing in Mauritius concerning services for disabled children.

The report will form the basis of the new national policy on disabled and handicapped children.

91. A main awareness campaign about the rights of handicapped children was carried out in the mass media in November 1999.

Reducing socio-economic disparities

92. Measures to reduce socio-economic disparities are in the relevant sections of this report.

International cooperation

93. The international community continues to assist Mauritius. The level of foreign aid has decreased over the years but a larger portion of external assistance is now being allocated to the social sector. The European Union is supporting poverty alleviation projects, the World Health Organisation (WHO) is active with child health and nutrition promotion, United Nations Children's Fund (UNICEF) is focusing on early childhood development and child protection and United Nations Family Planning Association (UNFPA) on adolescent health and development. International Fund for Agricultural Development (IFAD) is funding community development projects and micro credit schemes for women.⁷

Article 42

Dissemination of the Convention

94. Reference is made to the relevant preceding paragraphs.

95. The Convention has been translated into Creole. The Convention is available in English and French, both of which are understood by the majority of the population. The Convention has also been printed in simplified form and widely distributed to schools, hospitals, NGOs, and women's associations. A copy is at Annex.

96. Talks and seminars on the Convention are conducted as a regular activity in schools, communities, and women and family centres.

97. A booklet on the rights and responsibilities of the child, (Annex 10) has been published and circulated widely to children, parents NGOs, and ministries.

98. Since 21 November 1998, every Universal Children's Day has been created to raise awareness of the Convention, and of the rights of the child. Posters and other information material are displayed on the occasion and various activities are organised including competitions. With UNICEF support, a kit about the Convention was prepared, and a training programme was held in Rodrigues with NGOs working with children, to promote an understanding of the Convention.

The role of NGOs in disseminating the Convention

99. There are many organisations actively involved in disseminating information relating to the Convention, and engaged in caring for children. The list, and brief description of the work undertaken by each follows.

100. The "Association de Parents d'enfants Inadaptés de L'île Maurice" (APEIM), founded in 1970, initiated an Early Intervention Programme in 1983, to train parents and volunteers in community based care. This programme has now been expanded and decentralised. APEIM has conducted mass media campaigns about the rights and needs of handicapped children, and public awareness has increased, as more children come to their centres at an earlier age. Approximately 120 new cases are reported and registered each year, and in 1998, over 3,000 families with handicapped children had been supported by APEIM.⁸ Children who cannot be integrated into normal schools are sent to special schools, and extremely handicapped children are provided home visits.

101. The Bethlehem Diocese Crèche, (BDC), displays the Convention at its centres, and distributes it to parents. They have reached 600 parents from January to April 2001. Since 1990 to 2000, they have sensitised about 10,000 parents, and in 2000, provided training to about 250 parents and grand parents in the Roche-Bois and Goodlands areas on the Convention, the child's needs, health, nutrition and hygiene. In 1999 over a 10 month period, BDC trained 20 home care givers on the Convention and child development. Since its inception in 1979, the BDC has trained over 1,500 trainees in its Early Childhood Development training centre.⁹

102. The Centre d'Éducation et de Développement des Enfants Mauriciens (CEDEM) has been providing assistance to normal and handicapped children since 1984. CEDEM concentrates on a process of integrating children, except for the severely handicapped, who need special assistance, in all their activities. CEDEM runs several types of training programmes, including basic programmes in remedial education for parents, teachers, helpers, police officers, probation officers, social workers and other concerned parties. It runs the Riviere du Rempart home for abused girls, and conducts "learning through play" programmes in deprived areas once a week. It conducts awareness campaigns about the Convention by door-to-door counselling, and various animated activities, and organises training programmes in Rodrigues twice a year. Children in the CEDEM Youth Wing are encouraged to express their concerns, advocate for their rights, and lobby ministers and organisations through letters, songs, paintings and other activities.

103. The World Organisation for Early Childhood Education, (OMEP), was formed in 1972 in Mauritius. It has specialised in training teachers, and running parent awareness classes, and conducting workshops in childcare and development. At present, it has trained over 1,000 teachers in areas from child nutrition to recognising child abuse.

104. The Mauritius Family Planning Association, (MFPA), has since 1957 been working successfully towards family planning issues, but has shifted its approach since 2000, towards a "broader concept of sexual and reproductive health,"¹⁰ which includes promoting gender equality, and programmes on adolescent sex and reproductive health issues. The MFPA has been active in disseminating information about the Convention in secondary schools, through the "Well Women" clinic, (launched in 2000, so that all women could have access to general medical care), through Parent-Teacher Associations, through the University of Mauritius, and through Women Empowerment Groups, (WEG), located in 9 districts in Mauritius, and in Rodrigues.

105. The Mauritius Scout Association was formed in 1912, and is active in 7 districts in Mauritius, and in Rodrigues. It is estimated that there are 3,500 Scouts in Mauritius. As part of their training, Scout leaders are given basic knowledge of the Convention of the rights of the child. Each Scout leader then disseminates this information among the troop.

106. The Mauritius Girl Guides Association formed in 1926 is active in Mauritius and in Rodrigues, with approximately 1,200 Girl Guides. Information about the Convention is given to all Girl Guides, and they help disseminate this information. They have also helped sensitising the youth about AIDS, and encouraged students with low academic performance.

107. Action Familiale, (AF), Education à la Vie et à l'Amour, (EVA), and Mouvement d'Aide à la Maternité, (MAM), together developed RADO,¹¹ an Information and Counselling Network for Out-Of-School Adolescents. The three NGOs estimated that in 2000, approximately 20,000 children in the 12 to 15 year age group were not in secondary schools, having failed the certificate of Primary Education. They created a programme that used trained animators to teach these children, who were mainly from deprived areas, about health and hygiene, life skills, provided them with information and counselling and improved their self-confidence and self-esteem. The programme has reached 130 adolescents, and from the evaluations carried out - is a great success. During 2001 - 2003, the NGOs hope to reach 340 new adolescents.

Article 44

108. In preparing this report, the Ministries and departments concerned were consulted. Their inputs have been incorporated in the report. A national seminar report is at Appendix. Once the report is finalised, it will be circulated widely in the public sector and at the level of the civil society through NGOs and other instances.

III. DEFINITION OF THE CHILD

Article 1

Differences in the definitions

109. Reference is made to the initial report of the Republic of Mauritius, Section II.

110. Section 2 of the Interpretation and General Clauses Act was amended in 1998 by The Protection of the Child [Miscellaneous Provisions] Act to provide that the words “child” and “minor” be defined as any unmarried person below the age of 18.

111. This Section excludes a person below 18 years of age who is married, from enjoying the rights provided to a child under the Convention. It is proposed to amend this Section to remove the word “unmarried” in the definition of “child” and “minor” so that any child below 18 years of age, regardless of his marital status, receives protection under the Convention.

Juvenile offenders

112. In order to simplify and rationalise matters, the different definitions of “child”, “juvenile offender” and “young person” have been categorised as minors or children, that is, persons under the age of 18.

The minimum legal age

113. On reaching the age of 18, the adult has the right to vote, to stand as a candidate for elections, to act in his own capacity, and the right to a legal marriage.

Legal counselling without parental consent

114. There is no such defined age, though provision has been made by amending the Legal Aid Act, by Act 15/98 (Section 7A), for any child to automatically receive legal counselling.

Medical treatment

115. The legal age for consent to medical procedures is 18. There is no defined age limit for the use of contraceptives.

Education

116. The Education Act was amended in 1991 to provide for compulsory primary education. The maximum age for primary education is 12 years. In May 2001, while announcing major reform proposals in the Education Sector, Government has proposed an eleven year schooling system. This has led to the introduction of a fair and objective grading system, the conversion of high demand State Secondary Schools into Form VI colleges so as to ensure 'parity of esteem' between State Secondary Schools (Form 1 to V), alongwith the regionalisation of admissions to Form I. (Ref: Report Min of Education, Ending the rat race in primary education and breaking the admission bottleneck at secondary level).

Employment

117. Section 7 of the Labour Act prohibits the employment of persons below the age of 15, and further provides that no person shall employ or continue to employ a person below the age of 18:

(a) On work which is harmful to health, dangerous or otherwise unsuitable for a young person;

(b) After being notified in writing by an officer that the kind of work which the young is employed in is harmful to health, and is dangerous or otherwise unsuitable for the young person.

118. The penalty for child employment is considered too low to act as a deterrent, and proposals have been made to the Ministry of Labour to review the Labour Act in order to provide for harsher penalties.

Age of marriage

119. Article 144 of the Civil Code provides that the legal age of marriage is 18 years, and that a child above 16 years may marry with the consent of the parent who solely exercises parental authority. A Supreme Court Judgement, stated that the consent of both parents is required, and that if one of the parents withholds consent, the marriage cannot take place.

Table 1

Children who marry below the age of 18 years, in the Republic of Mauritius

| Age | 1995 | | | 1996 | | | 1999 | | |
|----------|------|--------|-------|------|--------|-------|------|--------|-------|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| Under 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 15 | 0 | 1 | 1 | 0 | 0 | 0 | - | - | - |
| 16 | 2 | 346 | 348 | 0 | 314 | 314 | - | 211 | 211 |
| 17 | 6 | 454 | 460 | 4 | 450 | 454 | 3 | 319 | 322 |
| Total | 8 | 801 | 809 | 4 | 764 | 768 | 3 | 530 | 533 |

120. There are cases where marriage is imposed on children between 16 and 18 years old, and there is evidence that some marriages are linked to economic considerations.

121. Consideration is being given to amending the law in order to ensure that no abuse is made of “parental consent” for marriage of children between 16 and 18 years of age and that such parental right is not used against the best interests of the child.

Age of consent for sexual intercourse

122. Section 249 of the Criminal Code was amended in May 1998, in line with provisions of Articles 19 and 34 of the Convention, to make it an offence to have sexual intercourse with any “minor under the age of 16, even with his consent”. Further a higher penalty has been provided where the victim:

- (a) Comes within the prohibited degrees in the Civil Code, and
- (b) Includes:
 - (i) the step child or adopted child;
 - (ii) in custody or guardianship of person charged or;
 - (iii) lives under the same roof as the offender or is the child of the offender’s partner.

Enlistment in the armed forces

123. Mauritius does not have armed forces, and the age of entry into the Police force and the Emergency Response Unit, (ERU), is 18 years of age.

Participation in hostilities

124. Mauritius has never participated in hostilities.

Criminal responsibility

125. There is no minimum age for criminal responsibility in Mauritius.

Deprivation of liberty

126. Reference is made to the initial report of the Republic of Mauritius, paragraphs 128 to 143. The Juvenile Offenders Act at Appendix defines how a young person under the age of 17 who has committed an offence against society shall be treated.

127. Depending on the seriousness of the offence and of the character of the young person, he/she shall be committed to a place of remand rather than to prison. Only in extreme cases where the young person proves to be of so unruly a character or to be so depraved that he cannot be safely detained in a place of remand, shall be committed to prison.

Capital punishment

128. The Constitution forbids capital punishment and life imprisonment for children.

Appearing in court and participating in administrative and judicial proceedings

129. In 1999, the Civil Code was amended by the addition of new sections 388-1 and 388-2 to provide for any child who is capable of discernment to apply to be heard in court in any case which concerns him. In the same manner, the judge may designate a person to represent the interests of the child where these seem to be in opposition to the interests of those who represent him in a case.

130. Another instance where the views of the child are sought is in case of divorce. The Divorce and Judicial Separation Act was amended in 1998, to make it mandatory for courts to seek views of a child above the age of 10 and capable of discernment, in any case in which the child has an interest. Before the amendment, the Court had only discretion to hear a child.

Lodging complaints and seeking redress

131. Pursuant to Article 40(2)(b)(V) of the Convention, Section 23 of the Juvenile Offenders Act and the District and Intermediate Courts Act ensure “the right of appeal”, and “the right to challenge any order” brought against a child.

Consent to a change of identity

132. The minimum legal age for consent to a change of identity is 18 years of age, unless the parents have decided to change their names.

Access to information concerning the biological family

133. No network has been developed by the National Adoption Council.

Legal capacity to inherit

134. Pursuant to Article 26(1) of the Convention, a child once conceived is entitled to a child’s share in the succession of his parents. The Civil Code was amended in the 1980’s to ensure that illegitimate children enjoy the same succession rights as legitimate children. Further, there is no gender-based discrimination as regards the succession.

135. Pursuant to Article 26(1) of the Convention, no person is entitled to disinherit his child by testament, or otherwise dispose of his property in favour of persons so as to reduce the part left for his direct heirs by more than a quarter of a person’s estate where he leaves two direct heirs, or half where he leaves only one heir. Children whose parents may have predeceased them are entitled to their grandparent’s succession. Children below the age of 18 do not enjoy civil rights and therefore have no contractual capacity, and cannot make a will or any donation. They cannot sue or be sued except through their legal guardians.

Creating or joining associations

136. The Registration of Associations Act was amended in 1998 to provide for a minor with the written permission of his responsible party, to be admitted as a member of a registered association.

Choosing a religion or attending religious school teaching

137. Pursuant to Article 14 of the Convention, the Education Regulations provide that no child of a particular denomination shall be allowed to follow religious instruction in any other denomination without the written consent of the responsible party. The regulations further state that in secondary schools, every student shall attend religious instruction, unless his responsible party expresses his objection in writing.

138. Religious teaching is also conducted by private and socio-cultural organisations, and children who attend these classes do so with parental consent.

Consumption of alcohol and other controlled substances

139. The 1986 Dangerous Drug Act as amended has been repealed. It has now been replaced by the Dangerous Drugs Act 2000 (as amended by Act 29 of 2003), where offering or delivering drugs to a minor is an aggravating circumstance, which renders the Accused, if found guilty, liable up to the double of the maximum penalties provided for under the section creating the offence.. Further the Constitution has been amended to provide for the denial of bail for persons arrested or detained for prescribed offences where they already been convicted of a drug related offence.

140. The Pharmacy Act was also amended to prohibit the sale of poisonous substances to a minor.

141. There is no difference or discrimination between the age limits imposed on boys and girls to the above and other activities, and nor is the criteria of puberty used.

IV. GENERAL PRINCIPLES

Article 2

Non-discrimination

142. Reference is made to the initial report of the Republic of Mauritius, paragraphs 19 to 34.

143. Respect for human rights and fundamental freedoms is entrenched in the Constitution of the Republic of Mauritius. Sections 4 to 16 make provision for the right to individual life, liberty, security of the person and the protection of the law, as well as freedom of conscience, expression, freedom of assembly and association, and freedom to establish schools. The right of individual to protection, for the privacy of his home and other property, and from deprivation of property without compensation is also provided for. Sections 3 of the Constitution states that it is recognised that there exists, and shall continue to exist without discrimination by reason of race, place of origin, colour, creed or sex, but subject to the respect of the rights of others, and for the public interest, each and all of the following human rights and fundamental freedoms of:

(a) The right to individual life, liberty, security of the person and the protection of the law;

(b) Freedom of conscience, of expression, of assembly and association, and freedom to establish schools;

(c) The right of the individual to protection of the privacy of his home and other property, and from deprivation of property without compensation.

144. Section 16 of the Constitution deals with discrimination, and provides that no person shall be treated in a discriminatory manner by any person acting in any public office conferred by any law or otherwise in the performance of functions of any public office or any public authority. The term discriminatory is defined as:

affording differential treatment to different persons attributable wholly or mainly to their description by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.

145. Section 35 of the Education Act also provides that schools, which receive grants, should be open to children of any race or religion.

146. Several positive discrimination measures have been introduced to support disadvantaged groups - viz a book loan scheme for needy students, free provision of books and examination fees to children of parents in receipt of social aid. Scholarships are provided to students for higher studies and an equal number of State of Mauritius scholarships are provided to both boys and girls. The other scholarships are open to both sexes.

147. In 1998, a Protection of Human Rights Act was enacted, which provided for the establishment of a National Human Rights Commission, whose Chairperson was appointed in April 2001. The government has plans for such an Act.

Measures to reduce disparities

Health

148. Health care is free to all citizens of Mauritius without any discrimination. Health care services are provided at different levels – at district level, regional level and local level. At the end of year 2000, there were three district hospitals, with 165 beds, five regional hospitals, with 2,543 beds, one of these hospitals is endowed with a neo-natal intensive care unit, 2 Mediclinics, 1 Community Hospital, 23 Area Health Centres, (AHC), and 108 Community Health Centres, (CHC), provide medical coverage at the local level. All these facilities offer outpatient support, as do hospitals specialising in chest (55 beds), eye (59 beds), skin (7 beds) and ENT (65 beds) diseases. There were also 13 private clinics with 580 beds. The ratio of government hospital beds per 1,000 population was: 3.4:1,000. The total ratio of private and government hospital beds to the population per 1,000 in 1999, was: 3.9:1,000.¹²

Socio-economic

149. Some basic foodstuffs are subsidised by the government,¹³ free schoolbooks, and uniforms are given to needy children, and merit based scholarships are offered. Primary and Secondary education is free and minimal fees have recently become payable at the University of Mauritius.

150. The Ministry of Housing and Lands subsidises the price of house construction through the National Housing Development Company, (NHDC), and the Mauritius Housing Company Ltd., (MHC).

151. Some of the subsidises the NHDC offers are as follows:

- (a) Housing land leased by the Ministry of Housing;
- (b) Loans are guaranteed by the government;
- (c) The government meets all infrastructure costs;
- (d) A Rs 30,000 grant to each household earning below Rs 7,500 monthly;
- (e) Families earning between Rs 7,500 and Rs 10,000 are given 20 year credit payment facilities, and low interest rates;
- (f) Since December 1997, low income families, constructing their first house are eligible for a Rs 30,000 grant for the roof slab. This was increased to Rs 40,000 from July 2000, and provision for the grant to be extended if another member of the same family constructs a house above the original. At present, 9,801 families have benefited from the first grant, and 99 families from the second;
- (g) From July 2000, families who earn less than Rs 4,000 per month benefit from a Rs 40,000 grant once certain construction conditions have been met. 316 families in Rodrigues have used this grant.

152. The MHC also offers subsidised housing development costs as follows:

- (a) The Plan Epargne Logement, (PEL), provides a grant of a maximum of Rs 30,000 to those earning less than Rs 7,500 per month;
- (b) The Housing Development Certificate, (HDC), which provides for exemption of duty on certain construction material, exemption on land taxes, government contribution of up to Rs 10,000 for development, and reduced registration duties for purchases;
- (c) The New Incentives for Residential Development, (NIRD), ensures that 25% of such development is provided at cost price to poor families;
- (d) The Incentives under the Land (Duties and Taxes) Act of 1984 ensures that first time home buyers are given special concessions on registration fees.¹⁴

153. Refugee centres are available during cyclone for those whose homes are damaged or destroyed and emergency relief is provided to them.¹⁵

Disabled children

154. There is no specific census on disabled children in Mauritius. According to a survey carried out by the Central Statistical Office in 1990, there were 3182 children aged between 0 to 14 who were disabled on the island of Mauritius and 194 in Rodrigues. The care and rehabilitation of disabled children is mostly undertaken by NGOs with Government assistance. These are described at Section VI, paragraphs 4 to 8, 10 and 11, 14, 17, 18, 19.

155. Mauritius recognised the 1971 UN Declaration of the Rights of the Mentally Handicapped. The Mental Health Act of 1998 protects the rights of handicapped persons. However, there is no specific provision in this Act for children.

156. The National Council for the Rehabilitation of the Disabled Persons, (NCRD), is an umbrella organisation, which provides leadership, coordination and promotes the development of NGOs and networks organisations for disabled persons. A trust fund for disabled persons was set up in 1988 to provide training and sheltered workshops for disabled children.

157. Community Based Rehabilitation (CBR) programmes are conducted to socially integrate the handicapped child, and to enable the community to take a more active part in the child's welfare and rehabilitation. In 1999, 45 community based rehabilitation workers were employed, and specialised therapy such as occupational therapy and physiotherapy were offered at the regional level. However, such programmes are severely understaffed. In 1999, 11,761 patients (not all children) were seen by staff of the CBR programme, and 1,634 patients were referred to various other institutions, and assistance was provided to 294 disabled people.

158. Government support to disabled children has been consolidated as follows:

- (a) Grant in aid is paid to NGOs;
- (b) The Community Based Rehabilitation programme has been strengthened with recruitment of additional staff and integrated into the primary health care system to cover all regions of the island;
- (c) A carer's allowance of Rs. 1,060 per month is paid by the Ministry of Social Security to severely disabled children, below 15 years of age, whose parents annual income does not exceed Rs. 100,000. All children above 15 years of age are paid a basic invalidity pension if their parent's income does not exceed Rs. 100,000 per annum. However, if the parents have more than one disabled child, the means ceiling is reduced to Rs. 50,000 annually. Children who have a 60% disability, are entitled to a basic invalidity pension, whatever the parents income. Moreover, the child benefits from a carer's allowance if he is so severely disabled as to require constant assistance of another person;
- (d) A compassionate allowance is paid on a means test for children aged 15 and below;

(e) From 1996, the Ministry of Social Security begun to refund the bus fare for the disabled child and one parent, travelling to special schools recognised by the Ministry of Education including government primary schools;

(f) The Ministry of Education has created a special needs education division for children with special needs;

(g) The Ministry of Social Security provides wheel chairs, spectacles, walking frames and tripods, free of charge. The Ministry also provides hearing aids and prostheses free of charge when the parent's annual income does not exceed Rs. 100,000.

159. With regard to education for disabled children, the emphasis is more on integration and inclusive education. To encourage this trend, the NCRD has, since 1992, instituted a scholarship scheme to enable disabled children to pursue their secondary and tertiary education. The NCRD is an organisation that coordinates, provides leadership and promotes development, and networks with NGOs and organisations for disabled children. A Trust Fund for Disabled Persons, (TFDP), was set up in 1988 to provide training, shelters and workshops for disabled children. The Ministry of Social Security pays disabled students examination fees for the secondary School, the Higher School Certificate (HSC), Industrial Vocational and Technical Board (IVTB) and University education. A monthly stipend of Rs. 500 is given through the François Sockalingum Award, to select students with severe disabilities who pass the Certificate of Primary Education (CPE). The NCRD also carries out retrofitting works in schools and colleges attended by children with disabilities.

160. The Training and Employment of Disabled Persons Board, (TEDPB), conducts vocational training. The trainees receive a monthly stipend to attend the courses, and free training is provided to those below the age of 15. Free pre-training courses are given to children between 12-15 years of age. The government also provides a grant to all NGOs, which provide services for disabled children, and the NGO Trust Fund, (NGOTF), funds NGO related micro-projects. There are four National Federations, which are responsible for sports activities for disabled children. Sports events are organised on a regular basis, as well as holiday camps, skill contests, and cultural programmes.

Illegitimate children

161. There is no stigma attached to illegitimacy. Since January 1982, the description "natural" or "legitimate" no longer appears on birth registration forms so as not to discriminate against or stigmatise the child. Illegitimate children have the same right to inherit and enjoy the same succession rights as legitimate children.

Non-nationals

162. In spite of the absence of specific legislation, the rights of non national children are adequately protected – regardless to nationality and has to be respected.

Migrant, displaced or refugee children

163. Once again, in spite of the absence of specific legislation, the protection of such children's rights, are adequately protected.

Street children

164. The Juvenile Offenders Act provides that any young person under the age of 17 who is found wandering without any home or settled place of abode, or visible means of subsistence or is found wandering having no parent or guardian - unfit to exercise care and guardianship may be committed by a court to a specialised institution.

165. In the light of recent statistics from the Probation and Allied services, it has been found that a number of out-of-school children and adolescents on whom their parents have lost control, spend most of the time in the streets. The Ministry of Social Security with the support of the Trust Fund for the Social Integration of Vulnerable Groups, and in collaboration with the MWRCDFW and UNICEF, plans to implement a project aiming at training social workers (street workers) to work with these children and help them integrate society. A copy of the Project description is at Appendix ...

Discrimination against the girl child

166. A Forum on the Girl Child held on June 1998 was organised in recognition of the urgent need to end all forms of discrimination against women and especially the girl child. The MWRCDFW, UNICEF, NGOs and other interested bodies organised the forum based on the themes of the Beijing Declaration, the Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW), and the Convention on the Rights of the Child. The forum identified discrimination in the fields of health, social, educational and information needs, as well as adolescent girls as the main issues and then proposed several plans of action, to fight discrimination on these issues.

167. The National Gender Action Plan, (NGAP) 2000 set out to develop greater gender equality over the long term in the Republic of Mauritius. It was inspired by the Beijing Declaration, CEDAW, the Commonwealth Plan of Action, and other international agreements. Since then, national seminars, workshops and commissions have been held to help sensitise women on these issues, so that they in turn can teach their children about them.¹⁶

Eliminating racism, ethnic hatred and xenophobia

168. As stated above, non-discrimination is entrenched in the Constitution. Respect for the individual, whatever is be his race, caste or colour or religion is taught to children from an early age in all schools-viz through Education for Development (EDEV) programme implemented in 1996 as a joint project between the Government of Mauritius and UNICEF. The EDEV programme has been implemented in 75 primary schools to consolidate national unity. Through activities in social justice, children learn about the different inequalities that exist in every society. They are imparted skills for resolving conflict peacefully. A special kit has been prepared on activities inculcating the concept of peace, tolerance, dialogue and understanding. At the end of UNICEF support in 2003 it will be the onus of Government to ensure that the approach to learning through participation continues.

Protecting the child against all forms of discrimination and punishment

169. Reference to the initial report of the Republic of Mauritius, paragraphs 19 to 41.

Article 3

Best interests of the child

170. The principle of the best interests of the child is not specifically stated in the Constitution, but various Sections within the Constitution and national legislation provide for the best interests of the child. Reference is made to the initial report of the Republic of Mauritius, Sections III to VIII.

Family life

171. Reference is made to the present report, Section II.

172. Pursuant to Article 3 of the Convention, the Civil Code provides that decisions affecting the child must be in the child's best interests.

School life

173. From 1991, education was free as from the primary to the secondary level only, and special assistance given to disabled children. The Education Act stipulates that primary school education is compulsory for all children up to the age of 12, and that no discrimination should be practised in the admission of children going to state schools, and schools receiving aid from the government.

Social life

174. An Adolescent Social Integration Programme, (ASIP), is aimed at developing the social skills of out of school children within the age group of 11 to 15 years. It was conducted on a pilot basis in 1997, and the skills included basic education, sports and leisure activities, handicraft, painting, health and hygiene. The programme was then extended to four other regions, and has been very beneficial to children, so much so that it has been proposed to extend the programme to other regions.

175. The Ministry of Youth and Sports caters for sports, leisure and recreational activities of young boys and girls between the ages of 14 to 29 years. There are 18 youth centres in Mauritius which organise sports, leisure and recreational activities for young people, and approximately 15,000 young people, of whom about 10% are children, participate in these yearly activities. Training programmes related to matters concerning youth and youth development also form part of the activities, and ad hoc activities are organised for children under 14 years.

176. A community-based programme is organised in remote regions where youth activities are lacking, and includes literary, sports, recreational and cultural activities. Each year about 18 villages are included in the programme.

Budgetary allocation

177. None of the Ministries concerned has a specific budget for children or for child development activities. Each Ministry is presented with its budget, which it then allocates as

necessary. The only exception is the Ministry of Education whose whole budget is spent on the child. As far as other Ministries are concerned, it is difficult to indicate precisely how much was spent exclusively for children.

Leisure

178. The Ministry of Arts and Culture has no specific budget allocated to children. However it organises activities for children such as, song competitions, flute and tambourine shows in under achieving schools, drama clubs, and creativity workshops.

179. The NCC has set up children's clubs to provide children with the opportunity to engage in meaningful leisure activities. Children's clubs are open to children under 18 years of age. The clubs are being reviewed and a new children's organisation will be created in the future.

180. The Mauritius Boy Scouts Association, the Girl Guides movement as well as other socio-cultural organisations for children are active in Mauritius and organise activities all over the island.

Cultural activities

181. Several cultural centres organise cultural activities, including dance, music, drama, and painting. Plays are occasionally organised by private groups and screened publicly, and the Ministry of Arts and Culture organises annual drama competitions in different languages.

Adoption

182. Pursuant to Article 21 of the Convention, in cases of adoption the Council will authorise a demand for adoption from a non-Mauritian for the adoption of a Mauritian child after considering the possibilities of placement within Mauritius has been given due consideration and it is in the best interest of the child.

Immigration, asylum-seeking and other refugee procedures

183 No such procedures or laws exist, though all national laws pertaining to children, apply equally to non-national children living in the Republic of Mauritius.

The placement and care of children in institutions

184. Pursuant to Article 19 of the Convention, the Child Protection Act also provides that the best interests of the child should be taken into consideration in removing a child from his or her home and placing him or her in a place of safety. However, consideration must also be given to Article 25 of the Convention, regarding the regular evaluation of the child's placement, and Article 39 of the Convention, regarding the reintegration and recovery of the child into society.

The administration of juvenile justice

185. Reference is made to Section IX.

186. Government is conscious of the need to reframe and update the existing legislation in order to ensure compliance with the provisions of the Convention and is taking the necessary measures to this end. With UNICEF support in January 1999, a consultant has been commissioned to make an assessment of the Juvenile Justice Administration in Mauritius. The consultant has submitted his report - copy at appendix - and one of his recommendations is that the Juvenile Offenders' Act be revised. The report has been accepted by Government and a review of the Juvenile Offenders' Act is awaited.

187. The amendment of the Probation of Offenders Act is not far reaching enough in ensuring the rights of the child. Article 37(b) of the Convention states that any arrest, imprisonment or detention should be undertaken as a "measure of last resort, and for the shortest period of time", a phrase that is not present in the amendment. A copy of the amendment is at Appendix.

Social security

188. Pursuant to Articles 26 and 28(b) of the Convention, social assistance is focused on children who are in difficult circumstances, who receive social aid without having to undergo any income test. There is also a scheme to provide financial assistance for the examination fees for children from poor families, while textbooks are provided free to all primary school children. Secondary school children who are in need, benefit from a book loan scheme.

189. The Family Allowance Act provides for the payment of a family allowance to persons who have a family of three or more children under the age of 14 and who fulfil certain conditions regarding residence in Mauritius and whose yearly income does not exceed the amount prescribed in the legislation.

190. A social aid scheme is operational and provides financial assistance to parents who are in need. Widows and orphans receive a pension.

191. Abandoned women with children or single mothers with insufficient means to support their families are entitled to social aid.

Protection, care and well-being of children

192. Amendments to the legislation referred to in Section II have strengthened the framework to force parents and guardians to fulfil their parental duty to the child as enshrined in the Civil Code and in other relevant pieces of legislation.

Appropriate standards for institutions dealing with children

193. Reference is made to Section VI.

194. Though correctional institutions are supposed to give the children individual treatment, the personnel is not qualified to do so. Record-keeping and periodic evaluation of the child's progress are not done on a regular basis through lack of resources. Not all institutions conduct a medical examination of the child as soon as he enters the institution. Though the rules specify that children should be separated by needs, sex, age, status, personality, and type of offence, so as to protect them; the children are only separated by sex and age – and even then, girls of all ages are grouped together regardless of age or offence.

195. There is little or no provision for privacy, and the environment of most of these institutions resemble that of adult prisons, and not consistent with the needs of the child, or the child's best interests. There are few, if any remedial education teachers, and the vocational training is both gender based, and in the main irrelevant to the employment situation at present. Moreover, the children are not given the choice of which training they would like to undergo, for when questioned as to what training they would rather be doing, girls at the Probation Home for Girls answered that they would like to be hairdressers, singers, dancers, musicians or waitresses; instead they were given training in housework, cookery, sewing, embroidery and gardening. Most of the institutions do not provide regular medical check-ups, though the children do have access to information, recreation and contact with their parents and relatives, and means of restraint are used only as a measure of last resort.¹⁷

Training professionals and the best interests of the child

196. The Mauritius Institute of Education, (MIE), for the training of primary and secondary school teachers take into account the Convention on the Rights of the Child. To date about 1,067 primary school teachers have been awarded the Certificate of Proficiency in Early Childhood Education. In 2001, 245 primary school teachers were awarded the Teachers Certificate in Primary School Education – a 9 hour course, and already 261 places have been prepared for 2002. About 200 secondary school teachers have been given 6 hour courses on child development.

197. Training of professionals is being carried out. In 1998, a Child Protection Training Project was launched. It was sponsored by Soroptimist International, UNICEF and the British High Commission. The course was attended by 25 professionals from the MWRCDFW, the Mauritius Police Child Protection Unit, the Ministry of Education, Ministry of Health, the Probation Service, the State Law Office, Save the Children and S.O.S Children's Village. The course structure was designed to address three key areas:

- (a) Sharing information between agencies;
- (b) Interviewing child victims; and
- (c) Multi-agency investigation.

198. Subsequently a "Child Protection Training" kit was developed and a draft protocol for promoting co-operation and co-ordination in the area of child abuse among the different government services concerned was evolved but has not yet been implemented.

Article 6

The right to life, survival and development

199. Reference is made to the initial report of the Republic of Mauritius.

200. The Constitution of the Republic of Mauritius guarantees the right to life of its citizens. Moreover, abortion is illegal – thus protecting the unborn child's right to life. The MFPA has long been conducting campaigns to increase the use of contraceptives, so as to reduce the

number of illegal abortions. As discussed earlier, many laws dealing with the rights and needs of the child have been amended; and others are to be amended, and laws which led to discrimination were repealed.

Registration of child mortality

201. Pursuant to the Civil Status Act of 1982, registration of death shall be carried out within 24 hours of the death. The cause of death shall be entered, and where appropriate, investigation and reporting on such deaths shall be undertaken.

Article 12

Respect for the views of the child

202. Reference is made to the initial report of the Republic of Mauritius, paragraphs 19 to 28.

203. Section 13 of the Constitution of the Republic of Mauritius provides its citizens with the freedom of expression, where:

“except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference and freedom from interference with his correspondence”.

204. Apart from the Model United Nations forum, it was found that children have few opportunities to express their views as there existed no formal structure to give them the right to be heard even though UNESCO clubs have been in existence in some schools for a number of years. School councils are quite active in secondary schools.

205. A comprehensive review of the NCC undertaken in 1998, noted that: “one of the main concerns of the NCC is to provide children with freedom of expression as per the Convention. However, finding an appropriate and effective way to do that has been missing”. An appropriate and effective way “to ensure that children are able to express themselves freely” and to ensure “that discussions evolved on a two-way basis” would be according to a recommendation of the review of the setting up of a National Children’s Club which would represent children at the level of the NCC National Committee.

206. The National Children’s Club would be the apex of a network of children’s club, which already exist in several parts of the island, and which could be developed to cover the whole island according to the demand. These children’s clubs would be run by children, for children with the participation of a limited number of parents who would be given appropriate training by the NCC in order to provide support service to the clubs. At district level, there would be the District Children’s clubs made up of representatives of the various children’s clubs. The District Children’s Clubs would then be regrouped into the National Children’s Club.

207. Children have been encouraged to participate in activities, which allow them to express their views and suggestions by the following:

- (a) On 16th June 1997, the Day of the African Child was celebrated by a programme of “Creativity by children and for children”, in which 100 children participated;
- (b) Debate held on Family Day, on 15 May 1998, in a deprived region between parents and children on the relations between adolescents and parents;
- (c) Debate on domestic violence held in August 1999, of which student presentations were published and disseminated;
- (d) Student parliament held on International Women’s Day, 8 March 2000, on the participation of women in politics and decision making;
- (e) Poster and painting competitions held in 1998 and 1999 on child abuse and right of children to express their opinions;
- (f) Participation in world poetry day, 1999, where children’s poetry was subsequently published and disseminated;
- (g) Organisation of creative activities to enable children to develop their artistic skills as a means of expression;
- (h) Model United Nations, (MUN), meetings are organised every year for secondary school students allowing them to simulate the UN General Assembly, and to express their views on international and national issues;
- (i) Projects, competitions, debates and public speaking competitions are organised regularly on specific themes to enable students to formulate views and proposals on national problems and policies.

208. A Creativity centre based on the Indian Bal Bhawan model was constructed to allow children to learn creative arts, forms of expression and to improve their creative skills.

Family life

209. Increasing occupational opportunities have empowered women but unfortunately there has been no change in their status at home as women are still responsible for household chores.

210. Such problems can only be solved by the adoption of long term integrated approach where all the stakeholders such as family, the school, health agencies and other related sectors such as the judiciary, the police, social security agencies and NGOs, formulate policies which fit into an overall policy framework at family, national and even international level. Although a considerable number of measures have been taken with significant impact on the lives of women, a more coordinated effort would reap even greater benefits.

School life

211. Reference is made to Section VIII.

212. The system of primary and secondary education was so structured that those students who could memorise concepts were at an advantage vis à vis those who could think for themselves.

213. However this state of things is changing. Already the Education for Development Project (EDEV) referred to above has been implemented to help children learn how to learn. Memorisation is not enough. Pupils must be allowed to think for themselves and to develop skills that will allow them to grow.

The administration of juvenile justice

214. Reference is made to the initial report of the Republic of Mauritius, Part II, paragraph 21.

Placement in institutional care

215. Reference is made to Section IX.

216. Children placed in correctional institutions do not lose the freedom of expression, but they are given very little opportunity to express themselves. Though they have the right to correspondence, and access to information, and recreation; their rights to complain, and request a review of their situation is limited.

Asylum-seeking procedures

217. There are no such procedures as The Republic of Mauritius has not yet had to deal with such cases. However, the Government may have to plan for such eventualities, before they occur.

Training professionals working with children

218. Reference to the preceding paragraphs, especially paragraphs 196 and 197, and Section VIII.

Number of courses in curricula of professional institutions

219. Reference is made in the preceding paragraph.

V. CIVIL RIGHTS AND FREEDOMS

Articles 7 and 8

Name, nationality and preservation of identity

220. Reference is made to the initial report of the Republic of Mauritius, paragraphs 24 to 27.

221. Pursuant to Article 7 of the Convention, the Constitution of the Republic of Mauritius provides that every child born in Mauritius after 11 March 1968 becomes a citizen of Mauritius.

Chapter 3 of the Constitution provides that any person, wherever he is born, and who can claim to be the child of a parent with Mauritian citizenship, is entitled to Mauritian citizenship. No distinction is made between legitimate and illegitimate children in this regard.

222. According to the Civil Status (Amendment) Act 1981, it is the responsibility of the father or mother of a child or any other person appointed by law, to declare the birth within a period of 45 days from the birth at the Civil Status Office of the district where the birth took place or where the parents reside.

223. At birth, every child acquires a family name, which for those born in lawful wedlock is automatically that of the father. Yet, by a declaration made at the time of marriage, a spouse may ensure that her children also bear her name. However, the said children will not transmit this name to their descendants. As regards children born outside wedlock, such children acquire the mother's name, unless the father declares the child, or later acknowledges him. The child also takes the name of the father when paternity is pronounced by a court of law.

224. There exist legal provisions for late registration of children, the procedure is as follows:

(a) In cases where the child has not been registered within 45 days of birth, the Permanent Secretary of the Ministry of Women's Rights, Child Development and Family Welfare, may cause the birth to be registered under Section 12(2) of the Civil Status Act, upon order of a District Magistrate or of the Registrar of Civil Status.

(b) Section 12(3) of the Civil Status Act, where a person is more than 3 months old, a District Magistrate may make an order of registration after obtaining the conclusions of the *Ministere Publique*. If a person, other than the Ministry of Women's Right, Child Development and Family Welfare, makes the application under Section 12(3) of the Civil Status Act, then a *fee* has to be paid;

(c) Section 22 (4) (b) of the Civil Status Act empowers the Permanent Secretary of the MWRCDFW, or any public officer designated by the Permanent Secretary to register the birth of a child more than 45 days old whose parents are unknown. (Amended 15/98)

225. The procedures for late registration can lead to a two to three year delay before the child is registered, which is in violation of Article 7(1) of the Convention. These procedures are being reviewed in order to reduce the waiting time and to ensure that a child is given a name and an identity as soon as possible. In 1997, 46 undeclared children were reported to the MWRCDFW, in 1998 the figure was 33 children, 51 children were reported in 1999, and 69 undeclared children were reported in 2000. However, NGOs report that they meet with about 1000 undeclared children.

226. In December 2000 and January 2001, a national campaign was conducted to identify children who were not registered, and 120 such cases were registered in Mauritius and Rodrigues. The MWRCDFW is facilitating the registration of these children, and a coordinated approach is being developed with the Ministry of Education, the Ministry of Health and other departments.

227. The adoption of a foreign child by a Mauritian family needs the approval of the Prime Minister's Office before the child is granted Mauritian nationality. An adopted child takes the name of the adoptive parents. Article 357 of the Civil Code provides that the Judge in chambers can decide that the adopted child will keep his name, or that the latter's name will be added to the name of the adoptive parents.

228. Though there are many laws dealing with parental duties, and sanctions for neglecting parental duties as set out in the present at Section 1, there is no law with regard to Article 7(1) of the Convention, of the child's right to know, and be cared by her parents.

229. Since January 1982, pursuant to Article 2 of the Convention, the description "natural" or "legitimate" no longer appears on birth registration forms, so as not to discriminate against, or stigmatise that child. A child born in, or out of wedlock of one Mauritian parent, either in Mauritius or abroad, is entitled to Mauritian citizenship. However a child born in Mauritius of two foreign parents is not entitled to Mauritian citizenship, though the birth is registered at the Civil Status Office in Mauritius. That child takes the nationality of his parents. A child born abroad of Mauritian parents, or born in Mauritius of one foreign parent is entitled to a dual nationality.

230. In violation of Convention, there are no specific laws that safeguard the rights of refugee or asylum-seeking children, though all national laws pertaining to children in the Republic of Mauritius apply equally to refugee and asylum-seeking children in the Republic of Mauritius. Nor are there any laws that provide for the child's right to a nationality, especially where the child would otherwise be stateless, though the laws with regard to the best interests of the child could be used.

Article 13

Freedom of expression

231. Reference is made to the initial report of the Republic of Mauritius, paragraph 28 to 34.

232. Freedom of expression is guaranteed by section 13 of the Constitution, though this right is subject to national security, public health and morality.

Article 14

Freedom of thought, conscience and religion

233. Reference is made to the initial report of the Republic of Mauritius, paragraphs 35 and 36.

Article 15

Freedom of association and peaceful assembly

234. Reference is made to the initial report of the Republic of Mauritius, paragraph 37.

235. Section 13 of the Constitution protects the right to freedom of association. The Public Gathering Act places certain restrictions in relation to public security, order and public health and morals. However, the said Act is not in contradiction with the Constitution.

Article 16

Protection of privacy

236. Reference is made to the initial report of the Republic of Mauritius, paragraphs 38 and 39.

237. The privacy of his property of citizens is protected by Section 9 of the Constitution, as it is illegal to subject any person to an arbitrary search, intercept correspondence or tap telephones.

238. There is a need for parental education, to encourage parents to respect their children's privacy. In addition to the sensitisation programme on the Convention organised on a regular basis, a programme for parental education has been begun in the context of the implementation of the Early Childhood Development Policy. The policy focuses on the need to provide excellent care for children, through good parenting skills. There have been mass media campaigns, and material including booklets about good parenting has been distributed through the mass media. The Section 10(10) constitution provides that persons other than the parties and their representatives may be excluded from the proceedings but the judgment must be given in public.

239. The privacy of children who have been victims of abuse, especially victims of sexual abuse, is not always respected by the press, as certain newspapers continue to report cases in such a manner that make it easy to identify the victim, publish the photograph of the victim, or make the child relate the details of the abuse. Section 161A of the Courts Act makes provision to exclude persons from proceedings if the judge or magistrate so considers. However, the Constitution requires the judgment to be given in public.

Article 17

Access to appropriate information

240. Reference is made to the initial report of the Republic of Mauritius, paragraphs 29 to 34.

241. Access to information is an acquired right of every citizen. Several daily and weekly newspapers and journals are published, and major international publications are available in bookshops. The press is independent, and disseminates a wide variety of views on national, social, economic and political issues. Television and radio channels have increased recently giving access to foreign channels, which can only be regularly accessed by a minority of children whose parents have the funds to subscribe to such channels. There are to date no specific magazines or publications for children.

242. The government introduced a loan scheme to purchase personal computers, and tax on computers and charges for Internet access were reduced. Though these measures have undoubtedly helped in spreading the use of PC's, and basic programming skills; such equipment, and access to the Internet are still prohibitively high for the majority of people.

243. Libraries are available mostly in towns, schools and in cultural centres, the British Council runs a library in Rose Hill, and Islamic, African, French, Chinese, Indian cultural centres run their own libraries, accessible to the public. Small library units are being set up to serve the members of children's clubs. There also exists a National Library in Port Louis. Besides mobile libraries are run by the Ministry of Education and the MWRCDFW. They provide books on loan in remote areas. With assistance from the "Agence de Cooperation Culturelle et Technique - ACCT" a number of Centres for reading and cultural activities "CLAC - Centres de Lecture et d'Animation Culturelle" have been set up in Social Welfare and Community Centres all over the island and in Rodrigues. Private organisations have developed websites for children.

244. Several museums depict the historical and national heritage of the country.

245. Though a censorship board categorises films for public screening, and though the classification system has been improved recently with additional criteria and more information on the nature of the films, children continue to have access to films which legitimise violence. In 1998, a teleconference was organised on media violence with the collaboration of the US embassy, and many young people expressed a strong interest in the issue. Children at home during school vacations, or while the parents are at work, are able to watch films without parental guidance. Control of children's access to video clubs is not effective, and still provide films to unaccompanied children, in violation of the Child Protection Act which is not enforced.

Article 37 (a)

The right not to be subjected to torture or any other cruel, inhuman or degrading treatment or punishment

246. Reference is made to the initial report of the Republic of Mauritius, paragraphs 40 and 41.

247. Section 7 of the Constitution protects the right of every citizen not to be subjected to torture or inhuman or degrading punishment.

248. Section 3(4)(b) of the Juvenile Offenders Act provides that no magistrate shall inflict upon any young person imprisonment with or without hard labour for more than one year or any fine exceeding Rs 1,000.

249. UNICEF has also published a number of booklets and pamphlets combating domestic violence and upholding the rights of the child.

250. Teachers attending courses at the Mauritius Institute of Education receive training about the Convention in their courses and NGOs also conduct awareness campaigns about the need to protect children. Representatives of the Police force, and officials in the health sector also receive appropriate training and information about the needs of children, children at risk, and abused children. No systematic training is organised for the Police and cases of child-unfriendly approaches by the Police are reported.

251. There was 1 reported case where a child was forced out of school because his parents, not he, were HIV positive. The NGO, PILS (Prevention, Intervention et Lutte contre le SIDA), brought this case to the fore, and was successful in returning the child to school - though the psychological trauma of the discrimination, and stigma attached to being the child of HIV positive parents must have had devastating effects. Once again, it is fear borne of ignorance about HIV/AIDS, and the manner in which it is contracted, that resulted in discrimination. This example highlights the importance of ensuring access to information, and public education about these, and other diseases.

252. The Ministry of Youth and Sports conducts youth counselling at its youth centres.

253. An area of concern is that there are no specific laws against child pornography on the Internet, and paedophiles who might prey on children via the Internet.

254. To be able to fully comply with Article 39 relating to rehabilitative care Mauritius need to have at its disposal, a specialised unit, with experts in child psychology, child development, and specialised medical treatment, who would work full-time with such children, and conduct thorough evaluations of the child's progress. There is however a serious lack of such specialists in Mauritius. There is no comprehensive unit to care for the rehabilitation of abused children. There are foster homes, and child care institutions, but they too are severely under-resourced. In some cases, girl-children who have been abused by male relations, or the father, have had to go back home, where the abuse took place, because there were no agencies able to help find them a suitable residence, and, if appropriate, a job. Even in cases where the child is not going back to a harmful environment, there is no follow-up because of a shortage of staff, or qualified personnel, and it is only if the child was on probation, that a probation officer would evaluate the progress of the child.¹⁸

255. The NCC, and NGOs concerned, form part of an independent monitoring system. Initially, the NCC was to assume this role, but, as stated previously, the lack of resources has meant that it is almost impossible for it to complete its mandate. NGOs too have funding problems, and are forced to concentrate on their areas of specialisation. They will highlight, and take action on cases that come to their notice, but there is little possibility of them being able to provide a full-time independent monitoring system.

256. This seems to be a recurrent theme, most programs or projects once established, cannot be completed, or work at peak efficiency, due to a lack of resources, and a non-existent evaluation system which would inform those concerned of the success and drawbacks of the project.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Article 5

Parental guidance

257. Reference is made to the initial report of the Republic of Mauritius, paragraphs 42 to 49.

258. The average household size decreased from 5.0 persons per household in 1980, to 3.88 persons per household in 1999, and of these households, over 73% are nuclear units.

259. A Family Survey conducted in 1994 showed that alcohol was the most important factor affecting the family, as alcohol consumption negatively influenced behaviour and drastically reduced disposable income. Family conflicts and violence were considered as the second most important problem affecting family harmony. Another important factor affecting the lives of children are the increasing numbers of women joining the work force, resulting in more children being placed in day care centres, or left with home care givers. This in turn has given rise to a conflict with entrenched cultural beliefs that women should stay at home, and care for the family. Gender inequalities have resulted, as women have to combine multiple roles at work and home, and have insufficient time to devote to their children, and to themselves. The consequences of the breakdown of the traditional family model have been an increase in family violence, and conflict, which negatively affects children. A multi-purpose household survey conducted in 1999 indicated that about 37% of the total number of girl-children aged 12 years and women, who are not studying on a full time basis, reported having a job. Half of them declared that it was difficult to cope with work and household responsibilities. This survey provides additional verification that there are a number of children under the age of 15 years, in the labour force.

260. Fifty one percent of working women left their babies in their grandparents care while they were at work, and 43% of working women with children of school going age, reported that their children were left on their own after school, while 32% left their children with their grandparents.

261. A survey on domestic violence conducted in 1998 has shown that 95% of the victims of domestic violence were women, and that 56% of domestic violence was due to alcoholism, and 24% to adultery. In 58% of the cases, the health and education of children were adversely affected. In 8% of the cases surveyed, violence occurred on an almost daily basis, and 18% of the victims of domestic violence experienced violence 4 to 6 times a week.

262. The National Women's Council provides counselling to families and children. Counselling is provided regularly on a case to case basis. Mass counselling is also available in the form of talks, seminars and workshops.

Respect for the principles of the Convention

263. Reference is made to the initial report of the Republic of Mauritius, paragraphs 3 to 77.

Article 18, paras. 1-2

Parental responsibilities

264. Reference is made to the initial report of the Republic of Mauritius, paragraphs 42 to 49.

265. The Civil Code confers on parents authority over the child, the right of custody, the duty of overseeing the child's education, as well as the administration and care of his property. The parents have responsibility of the child until the child reaches the age of 18 years. It is the duty of the parents to provide for the basic needs of their children. Appropriate tax exemptions are provided for the educational and welfare needs of children.

Assistance to parents

266. The Family Allowance Act provides for the payment of a family allowance to persons who have a family of three or more children under the age of 14 and who fulfil certain conditions regarding residence in Mauritius, and whose yearly income does not exceed the amount prescribed. A social aid system is operational and provides financial assistance to parents who are needy, and widows and orphans receive pensions. The number of beneficiaries receiving social assistance is given in the table below:

Table 2
Widows pension and child's allowance¹⁹

| Number of beneficiaries: | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 |
|--|---------|---------|---------|---------|-----------|
| Basic widows pension | 19 942 | 20 428 | 20 795 | 21 153 | 21 323 |
| Child allowance (basic widows pension) | 10 436 | 10 151 | 9 059 | 9 051 | 8 853 |
| Amount paid in millions of Rs. | 209.5 | 325.3 | 366.5 | 422 | 457.9 |
| Average amount/beneficiary/year in Rs. | 6 900 | 10 638 | 12 276 | 13 972 | 15 174 |

Table 3
Rate payable for each type of beneficiary in rupees²⁰

| | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 |
|--|---------|---------|---------|---------|-----------|
| Basic widows pension | 675 | 1 055 | 1 150 | 1 300 | 1 400 |
| Child allowance (basic widows pension) | | | | | |
| Child under 10 years of age | 135 | 300 | 350 | 425 | 460 |
| Child aged 10 years or over | 210 | 330 | 380 | 450 | 485 |

Table 4
The orphans' pension and allowance^{21 22}

| | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/2000 |
|---------------------------------------|---------|---------|---------|---------|-----------|
| Number of orphans supported (basic) | 880 | 889 | 737 | 719 | 686 |
| Number of guardians supported (basic) | 735 | 716 | 605 | 590 | 545 |
| Total amount paid in millions of Rs. | 5.81 | 7.4 | 7.81 | 10.91 | 12.36 |

267. The MWRCDFW runs a scheme to provide emergency support to women and children who are in distress. The Ministry of Social Security provides grants to charitable institutions for the upkeep of orphans and abandoned children. The amount spent on capitation grants was Rs 14.1 million in 1998.

Childcare facilities

268. NGOs, small entrepreneurs and private organisations are running day care facilities for children. In 2001, there were approximately 150 registered day care centres. A 1996 study conducted by a consultancy firm and funded by the World Bank, on day care facilities for children, revealed that:

(a) Many children of working parents, under three years of age, experience some form of childcare while their parents are at work. A 1995 labour force survey showed that 36% of women in the working age, were economically active, and that approximately half of all women in employment were married. It is estimated that about 30,000 of the 63,000 children aged below three years of age, are cared for by someone other than their mother, during working hours;

(b) There are two main categories of childcare facilities; day care centres, and home care givers. Day care centres are institutionalised child care service providers, and may operate in built or converted premises. Most of these centres are commercial enterprises, and may care for a large number of children. Home care givers operate from their own homes, or at the child's house, and usually have one, to a few children to care for;

(c) Day care centres provided by commercial organisations vary in terms of the quality of services provided, proportionate to the fees paid. Some child care centres are extremely well organised and run several day care centres and provide training for their care givers;

(d) Some NGOs also provide day care services, and receive subsidies or grants from the government, or national or international organisations;

(e) A few municipal councils provide free child care services, and some of them have contracted these services out to NGOs, or operate them through a partnership;

(f) Private sector organisations do not have child care services. However, the EPZ Labour Welfare Fund contributes to the cost of some day care centres. The government provides grants to the fund for this purpose. The Public Officers Welfare Council, (POWC), is also engaged in running a day care centre;

(g) The MFPA runs three days care centres with subsidies from the Government.

269. The major constraints in the sector were identified as follows:

(a) An absence of regulatory framework;

(b) The lack of inter-relationship and synergy among various levels of services in early childhood development sector;

(c) The unsustainability of various initiatives;

(d) A limited professional capacity;

- (e) The dearth of appropriate data;
- (f) The poor and ineffective infrastructure;
- (g) Low parental involvement;
- (h) The non-affordability of such services;
- (i) Untrained personnel;
- (j) The low salary of staff due to absence of uniformity in the condition of employment;
- (k) The non-standardisation in the quality of service provided;
- (l) The limited medical coverage of centres.

270. In 1998, the government approved a policy paper for Early Childhood Development, (ECD), for children below 3 years of age, and the aims of the policy paper are to:

- (a) Establish a system of childcare;
- (b) Establish a system of accreditation and quality improvement;
- (c) Develop a training programme for personnel working in child care centres and as home care givers;
- (d) Develop strategies for parental education and community awareness;
- (e) Develop a curriculum framework;
- (f) Ensure equity and access in the provision of early childhood services;
- (g) Develop a concept of integrated services for early childhood development.

271. In 1999, the government agreed to provide funding for up to Rs 72 million over a period of five years to implement the ECD policy paper. Since 1998, 150 day care givers have been trained, and curriculum material has been prepared, tested, and guidelines have been finalised. A parental education scheme was launched in 2000, with 250 parents being trained. They are expected to disseminate their training through peer methods, and eventually reach about 2,500 parents. UNICEF will provide assistance for further training and aim to reach more working parents.

272. An accreditation system based on quality improvement is in the process of implementation. The system has two elements, standards and ranking. Accreditation means that a centre or home-based service meets the minimum set requirements. It will be participatory, as centre managers and staff will be required to work together to upgrade services.

273. Government proposes to set up an independent Child Care Accreditation Bureau. The Bureau will evaluate and set standards for centres which provide day care to children.

274. In 2000, the MFPA trained 6 day care staff in the ECD methodology, and cared for 138 children from 3 years of age, to 8 years of age, in its three day care centres. Four Parent Education sessions were also held on “Parent/Child Relationships”, and “Children’s Rights and Nutrition”. Women were also given health advice and treatment at the day care centres.²³

275. UNICEF and Association for Development of Education in Africa (ADEA) are helping to review and update the ECD policy project, and an evaluation of the implementation of the ECD policy project in three regions was also undertaken. The review of the ECD policy project recommended that:

(a) The ECD policy be revised so that it is cross-sectoral, and includes: a National Policy for Children, (NPC), a National Development Policy, (NDP), and recognises the importance of existing and proposed legislation, and international and regional conventions and charters;

(b) The Child Care Advisory Committee, (CCAC), be reconstituted as an enlarged National Early Childhood Development Advisory Council, (NECDAC), and be given adequate authority through an executive board;

(c) The present effective training and parental education programmes be intensified;

(d) Ten day care centres to be constructed. The centres would be twinned with regional pre-school units to create a regional infrastructure that would include parental training, sensitisation and community involvement, resource sharing and referral services;

(e) The accreditation system is extended to cover the pre-school sector as well;

(f) The role and responsibilities of all stakeholders be defined for better integration and synergy;

(g) Research to be undertaken on the complex issue of language in education, where in the majority of cases, the mother-tongue, Creole, or an Asian, or Oriental language, is different to the medium of instruction, which is usually English. Child rearing practices in different socio-cultural environments, and traditional early stimulation experiences to be undertaken and integrated in the ECD curriculum;

(h) Lessons learned to be shared with neighbouring countries.

Specific measures to assist single parent families

276. Abandoned women with children, or single mothers with insufficient means to support their families are entitled to social aid.

277. A deserted husband or widower, with dependants will qualify for social aid if he is sick and unable to work, and has no means to support his family. If he is unemployed, he will be entitled to temporary hardship relief.

Article 9

Separation from parents

278. Reference is made to the initial report of the Republic of Mauritius paragraphs 50 to 52.

279. In applying the Child Protection Act, children who are at risk are separated from their families and sent to a place of safety. The Permanent Secretary of MWRCDFW may, where he has reasonable cause to believe that a child is exposed to harm and is in need of assistance, summon any person to give evidence about the matter.

280. When, after the enquiry he is satisfied that the child needs protection, he may apply to a juvenile court for an emergency protection order, and may then remove the child to a place of safety. Under the law, the child is allowed to correspond freely with his parents, and has visitation rights. Yet, under Regulation 21(3) of the Prisons Regulations, it is compulsory for the officer or deputy in charge to every child's correspondence, and stop any communication if the contents are objectionable.²⁴ This, as far as juvenile offenders are concerned, is in violation of Articles 13, 16 and 40(2)(b)(vii) of the Convention. However, in cases of child abuse where the parents are the suspected party, they are not allowed to visit the child, and the child is not allowed to see them, as it is considered that such access may be detrimental and dangerous for the child.

281. The court may grant children separated from one of their parents by divorce, permission to visit the other parent, the duration and interval being determined by the court.

282. The Juvenile Offenders Act provides that 'where the parent or guardian of a juvenile represents on oath before a juvenile court that he is unable to control the juvenile the court may forthwith order the juvenile to be removed and placed in an institution'. The magistrate determines that period of stay, basing himself on the probation officers' report. Further parents can still swear on oath before the court to the effect that the child is beyond control and have the child sent to an institution without trial.

283. The Juvenile Justice Administration Report recommends that these sections of the Juvenile Offenders' Act should be repealed as the Child Protection Act provides for the protection of such children and is administered by the Ministry responsible for the welfare of children whose officers are more preoccupied with the welfare of children and have necessary skills to deal with such cases.

Article 10

Family Reunification

284. Reference is made to the initial report of the Republic of Mauritius paragraph 53 and 54.

Article 11

Illicit transfer and non-return

285. Reference is made to the initial report of the Republic of Mauritius, part 2, paragraph 5.5.3.

286. Mauritius signed the Hague Convention on the Civil Aspects of International Child Abduction in 1993. The functions of the Central Authority as provided under the convention was fulfilled by the Attorney General's Office until the year 2000.

287. With the alleged illicit transfer of children to a foreign country has occurred, or with the alleged involvement of a religious sect, the National Assembly shall appoint a Select Committee to conduct a full enquiry into the matter.

288. At present there is no proper mechanism to vet prospective adoptive parents before adoption. Such mechanism should be integrated into the National Adoption Policy.

Article 27, para. 4

Recovery and maintenance for the child

289. Reference is made to Section II.

Article 20

Children deprived of their family environment

290. Reference is made to the initial report of the Republic of Mauritius, paragraph 55 and 56.

291. A child who has been temporarily or permanently deprived of his family may be sent to an institution, a foster home, or placed for adoption. Children placed for adoption are protected by the Civil Code, which regulates adoption, the NACA, and the Hague Convention on Intercountry Adoption.

292. Section 4(3) of the Child Protection Act refers that Children who are abused, or are at risk abused, are sent, upon information on oath, to a place of safety by the Permanent Secretary of the Ministry of Women's Rights, Child Development and Family Welfare.

Article 21

Adoption

293. Reference is made to the initial report of the Republic of Mauritius, paragraphs 57 to 73.

294. The Civil Code regulates adoption, simple, pleniere or legitimate. A judge pronounces adoption in closed session, when he considers it to be in the best interest of the child.

295. An adoption simple may always be revoked on good cause being shown, and does not need to sever the links between the adopted child and his biological parents. An adoption pleniere, which can only be applied for by a married couple, severs the links between the adopted child and the biological parents. The child becomes, for all intents and purposes, the legitimate child of the adoptees.

296. By legitimate adoption, a parent is allowed to adopt a child which his spouse may have borne with another person, the purpose being to allow a parent to adopt his own adulterine child.

297. The National Adoption Council, (NAC), is responsible in determining the adoption of all Mauritian children by a non-citizen(s). The National Adoption Council Act was amended in 1998 to ensure that no Mauritian child is adopted by a non-citizen unless the Council is satisfied that all possibilities for placement have been given due consideration.

298. The adoption of a foreign child by a Mauritian needs the approval of the Prime Minister's Office, (PMO), as the adopted child acquires Mauritian citizenship on adoption. Few such cases were reported in past years.

299. Mauritius ratified the Hague Convention on Intercountry adoption in 1999, and has to now create the necessary mechanisms to implement the Hague Convention on Intercountry adoption.

300. It is intended to review the whole procedure and institutional arrangements for adoption in the light of the report on the reform of the judicial system produced in 1998.

Foster care system

301. An informal foster care system exists in Mauritius with no regulations or standards of foster care. In 1999, UNICEF funded a study at the request of the MWRCDFW on the situation of child care and the introduction of a child care system in Mauritius. The study proposed that standards and a regulatory framework for foster care be introduced. The government approved the recommendations and the Foster Care Regulations 2001 was passed. The purpose of the regulations is to provide for the setting up of a Foster Care System to promote the well being of children in need of protection as provided by the Child Protection Act. The regulations set the conditions for the registration of foster homes and appoints the Permanent Secretary of the Ministry responsible for the welfare of children as the supervisory body for all placements in foster homes. The Regulations also provide for the setting up of a Foster Care Advisory Committee to serve as a platform for discussions in the field of foster care and to formulate objectives, policies, priorities, suggestions and ideas for the enhancement and further development of the foster care system in Mauritius.

Article 25

Periodic review of placement

302. Reference is made to the initial report of the Republic of Mauritius, paragraph 76.

303. When a child is placed in an institution or a family following the issue of a Committal Order by the court, the court shall order the probation service to conduct an urgent enquiry of child's family background, general conduct, home surroundings, so as to enable the court to make a decision in the best interests of the child.

304. There are few regulations regarding the care of children in placement. It is proposed to stipulate more regulations under the Child Protection Act to ensure minimum standards for institutions that cater for children.

305. Few institutions take a monthly review of children placed there, and a psychological review is only taken when the staff notice that the child's behaviour has changed.²⁵

Articles 19 and 39

Abuse and neglect, including physical and psychological recovery and social reintegration

306. Reference is made to the initial report of the Republic of Mauritius, paragraph 74 to 76.

307. The Probation and Aftercare Service runs a "Through Care" service to offer advice, guidance and moral support to child offenders to help reduce the rate of offenders and repeat offenders. Since 1995, the rate of children on probation has reduced by 43%. The "Through Care" service is begun when the child is sent to a rehabilitation institution, and the probation officer acts as a liaison officer with the child's parents.²⁶

VII. BASIC HEALTH AND WELFARE

Article 23

Disabled children

308. Reference is made to the initial report of the Republic of Mauritius, paragraph 88 to 94.

309. There is no specific census on the number of disabled children. A census carried out by the Central Statistics Office in 1990 revealed that there were 3,376 disabled children in the Republic of Mauritius,²⁷ 3,182 in the island of Mauritius and 194 in the island of Rodrigues.

310. As there is a cultural stigma attached to being disabled, it is believed that not all cases of children with disabilities are reported. The comprehensive survey on disabled children referred to above being presently carried out by the Ministry of Social Security will provide latest data and enable new and appropriate programmes to be carried out.

311. The care and rehabilitation of handicapped children is presently being undertaken mainly by NGOs. These NGOs receive government grants. There are at present eleven schools catering for specific disabilities, and they are:²⁸

- (a) APEIM for children with Down syndrome;
- (b) Lizié dan La Main for blind and visually impaired children;

- (c) Lois Lagesse Trust Fund for blind child and visually impaired children;
- (d) APDA for deaf and hearing impaired children;
- (e) SWD for deaf and hearing impaired children;
- (f) The School for the Educationally Subnormal Children (Mental Health Association);
- (g) CEPEH for mentally handicapped children;
- (h) CEDEM for children with physical, mental, language and behavioural problems;
- (i) APEBS for slow learners and mildly mentally handicapped children;
- (j) Pierre Louis Ganzague Special Learning Centre for hearing and visually impaired children in Rodrigues;
- (k) SENS for children suffering from dyslexia.

312. These NGOs cater for close to 1,000 disabled students, and received grants of approximately 4.5 million rupees.²⁹

313. A number of NGOs offer day care centres for disabled children, namely:³⁰

- (a) AMHE - Association des Malades et Handicapes de L'Est;
- (b) APRIM - Association de Parents pour la Rehabilitation d'Infirmes Mentaux;
- (c) Fondation Georges Charles for the mentally and physically handicapped children;
- (d) FMMH - Fraternité Mauricienne des Malades et Handicappés;
- (e) MMHA - Mauritius Mental Health Association;
- (f) SHWA - Southern Handicapped Welfare Association;
- (g) AASF - Association Amour Sans Frontieres;
- (h) EWAD - Eastern Welfare Association for Disabled;
- (i) ARE - Association Reve et Espoir;
- (j) MMDWA - Moka Mentally Disabled Welfare Association;
- (k) CDCC - Century Day Care Centre;
- (l) SKCDCP - Swami Krishnanand Centre for Disabled Persons;
- (m) SWD - Society for the Welfare of the Disabled;

- (n) FDC - Flacq Disabled Centre;
- (o) ICDC - Islamic Centre for Disabled Children;
- (p) CEDEM - Centre D'Education et de Development pour les Enfant Mauriciens.

314. Save the Children Fund offers vocational training in woodwork and needlecraft to disabled children aged 13 to 18 years.

315. NGOs that run day care centres for disabled students care for approximately 500 children and received grants of about 1.3 million rupees.³¹

316. The sub-committee referred to in the Ministry of Social Security Report on Disabled Children on the subject noted that:

(a) All teachers seconded to schools run by NGOs must received training on teaching disabled children;

(b) Training for Mauritian teachers; in teaching disabled children should be carried out to Diploma level in collaboration with the University of Pretoria in South Africa;

(c) Specialised teachers in teaching children with a specific disability should be employed;

(d) Government teachers seconded to schools for disabled children should be responsible to the schools;

(e) Pursuant to Article 23 of the Convention, these special schools and day care centres will have to be integrated, so that the disabled children are not excluded from other children. Moreover, it will help the disabled children to better integrate into society, and should help non-disabled children to be aware of the special needs of disabled children, and prevent them from developing discriminatory attitudes;

(f) Special schools should only exist for severely disabled children, and should provide rehabilitative services;

(g) The quantum of fees payable to the NGOs should be reviewed;

(h) The IVTB should be responsible for all vocational training.

317. APEIM launched an early intervention programme for children aged under 7 years. The objectives of the programme are to train parents in child development and stimulation techniques in language, motor, autonomy, hygiene and schooling. CEDEM provides family counselling and trains people working with both normal and disabled children. APEIM has started an IEC initiative to improve early childhood education and special needs. Disabled children receive a compassionate allowance and a carer's allowance. NGOs have experienced difficulties in running their institutions without adequate financial resources, and have made requests for a revision of the grants paid to them. The NGO Trust Fund which was established in 1998 is expected to streamline grant procedures.

318. There are no institutions which provide residential facilities for handicapped children who are abandoned, orphaned and homeless. At present, the MWRCDFW is taking care of such children committed to its shelter, and is meeting all the costs for their rehabilitation and medical care. The children are in the shelters but no special care nor trained personnel are available to care for them.

319. More disabled people should be employed in the private and public sectors, to ensure that disabled persons enjoy equal employment rights.

320. A National Policy for Disabled Children is being formulated in consultation with NGOs and other organisations. Mass media campaigns, the first one started in November 1999 and the second one planned for February 2001. The aim is at creating awareness among parents and children about the rights of disabled children.

321. The Ministry of Health and Quality of Life has a Speech Therapy and Audiology Unit, (STAU), to which children are referred by doctors and teachers. Children form 70% of the patients to the unit.

322. Early detection programmes, which have to be carried out before a child is one year old, should be initiated at hospitals, clinics, child care centres, and nursery schools, as research indicates that the sooner the impairment is discovered, and treated, the greater is the chance that the child will be able to realise his full potential.

323. When a disability is diagnosed, the doctor in charge maintains contact with the child's parents, and the teacher. Therapy is provided not only for the child, but also for the parents, as home therapy programs are an important part of the treatment. The child is also seen by other specialists such as the occupational therapist, a clinical psychologist, and physiotherapist amongst others, so that the child's needs with regard to rehabilitation are better served.

324. The staff of the STAU also work closely with special schools for the hearing impaired and the mentally handicapped. The STAU serves as a resource centre for professional opinion regarding communication disorders among children. Unfortunately there is an acute shortage of qualified personnel, and as of 2001, there were three speech therapists and audiologists.

325. Community Base Rehabilitation programmes (CBR) are conducted to socially integrate the handicapped child, and to enable the community to take a more active part in the child's welfare and rehabilitation. In 1999, 45 community based rehabilitation workers were employed. Specialised therapy such as occupational therapy and physiotherapy are offered at the region level. However, both services are severely understaffed.

326. In 1999, 11,761 patients, (not all of who were children), seen by staff of the CBR and 1,634 patients were referred to various other institutions, and 294 aids for disabled people were supplied in the two health regions. The Ministry of Health and Quality of Life is seriously planning to extend the CBR programme to the other three health regions and to Rodrigues, with an intake of additional CBR workers.

327. The specialised health services work closely with NGOs that deal with disabled children, offering them the services of rehabilitative teams on a sessional basis.³²

Article 24

B. Health and health services

328. Reference is made to the initial report of the Republic of Mauritius, paragraphs 78 to 87.

329. Health services are free, and are accessible through a network of five Regional Hospitals, three District Hospitals, 108 Community Health Centres, two Mediclinics, one Community Hospital, seven Family Health Centres, 157 Vaccination Centres/Sub Centres, and 23 Area Health Centres. There is a specialised Eye Hospital, a Psychiatric Hospital an ENT Centre, a Cardiac Centre and a Chest Hospital. 26 dispensaries function in sugar estates, and there are two mobile dispensaries and one mobile dental clinic. A number of private clinics provide medical services for a fee. Private laboratories and pharmacies operate in several localities. In Rodrigues, there are two Health Centres with beds, 12 Community Health Centres, and a hospital. The ratio of doctors to the population increased from 1:1,244 in 1990 to 1:1,113 in 1999. Public expenditure on health, both recurrent and capital, increased from 887 million rupees in 1991/92 to over 2 billion rupees in 2000/01. The number of nurses and midwives fluctuated during this period. All the hospitals have paediatric wards and specialised medical staff to work with children.

Table 5

Figures for the Republic of Mauritius

| Year | Total number of doctors | Ratio of doctors to the population | Number of doctors in the public sector | Number of specialists in the public sector |
|------|-------------------------|------------------------------------|--|--|
| 1999 | 1 061 | 1:1 113 | 585 (55.1%) | 195 |
| 1998 | 1 033 | 1:1 130 | 590 | 193 |
| 1997 | 1 016 | 1:1 138 | 590 | 194 |
| 1996 | 1 008 | 1:1 133 | 537 | 173 |
| 1995 | 960 | 1:1 176 | 542 | 173 |
| 1994 | 941 | 1:1 188 | 525 (55.8%) | 159 |

Table 6

Figures for the Republic of Mauritius

| Year | Total number of dentists | Ratio of dentists to the population | Number of dentists in the public sector |
|------|--------------------------|-------------------------------------|---|
| 1999 | 151 | 1:7 821 | 45 (29.8%) |
| 1998 | 144 | 1:8 107 | 45 |
| 1997 | 145 | 1:7 972 | 45 |
| 1996 | 150 | 1:7 617 | 44 |
| 1995 | 152 | 1:7 430 | 44 |
| 1994 | 148 | 1:7 553 | 42 (28.4%) |

330. Though the ratio of dentists to the population has increased since 1998, it is still not satisfactory.

Table 7
Figures for the Republic of Mauritius

| Year | Total number of pharmacists | Ratio of pharmacists to the population | Number of pharmacists in the public sector |
|------|-----------------------------|--|--|
| 1999 | 266 | 1:4 440 | 17 (6.4%) |
| 1998 | 250 | 1:4 670 | 9 |
| 1997 | 249 | 1:4 642 | 8 |
| 1996 | 233 | 1:4 903 | 8 |
| 1995 | 223 | 1:5 065 | 8 |
| 1994 | 206 | 1:5 426 | 8 (3.9%) |

331. The figures for the ratio of pharmacists to the population show an encouraging trend, as there is a steady increase in the number of pharmacists.

Table 8
Figures for the Republic of Mauritius

| Year | Total number of nurses and midwives in the public sector | Ratio of nurses to the population |
|------|--|-----------------------------------|
| 1999 | 2 769 | 1:426 |
| 1998 | 2 827 | 1:413 |
| 1997 | 2 801 | 1:413 |
| 1996 | 2 661 | 1:429 |
| 1995 | 2 629 | 1:430 |
| 1994 | 2 575 | 1:434 |

332. These figures have fluctuated yearly, and show only a marginal improvement from the 1995 data.

333. Government investment in Public Health as a percentage of the total public expenditure dropped from 8.7% in 1990 to 8.4% in 1999.³³

334. The Mauritius Family Planning Association (MFPA) helped begin construction on a Family Health Clinic in Rodrigues in 2000, and is trying to provide gynaecological sessions at the MFPA centre in Rodrigues.³⁴

335. In 2000, the MFPA opened a laboratory in Mauritius that provides the same services as at Family Health Clinics.³⁵ The MFPA also provides for antenatal, postnatal and gynaecological check-ups in Mauritius, and treated 359 patients in 2000.³⁶ The MFPA has conducted sensitisation campaigns at the EPZ,³⁷ and created a Youth Development Centre, (YDC), in 1999, that provides the same services as do the Family Planning Centres, but for children and youths. A web page was created in 1999, to provide children and youths information anonymously.³⁸

336. The MFPA has also undertaken many programmes, targeting women in rural areas, on women's rights and health, and through these programmes, created Women Empowerment Groups.³⁹

Breastfeeding initiatives

337. The National Nutritional Survey carried out by the Ministry of Health & Quality of Life in 1995, revealed that the prevalence of breastfeeding among infants is 12.2 weeks in Mauritius, and 17.2 weeks in Rodrigues. The Ministry of Health and Quality of Life recommends exclusive breastfeeding for up to six months. The International Code of Marketing of Breast Milk Substitutes, (ICMBMS), adopted by the WHO in 1981, was enforced in 1989. The ICMBMS bans all promotion of bottle-feeding and sets out requirements for labelling information on infant feeding. Any activity that undermines breastfeeding is discouraged, with baby food manufacturers being forbidden to promote their products in hospitals, shops, the general public, or give free samples to mothers, or subsidised supplies to hospitals and maternity wards. This includes a prohibition on giving gifts, or promoting their products to health workers. The Government is taking measures to pass an Infant Food Bill to ensure safe and adequate nutrition for infants. The Infant Food Bill will promote and protect breastfeeding, regulate the marketing of certain infant foods, feeding bottles, teats and pacifiers. Maternity wards have long since adopted the Baby Friendly Hospital Initiative, with breastfeeding corners being established in some health centres. IEC campaigns are being strengthened to promote exclusive breastfeeding.

338. Action for the Promotion of Breastfeeding and Infant Nutrition (Mauritius), (MAPBIN), has identified a sharp decrease in breastfeeding, and reports that only "16.3% of women attending primary health care" had received information about breastfeeding, and concludes that the drastic decline in breastfeeding is due to aggressive marketing of breast milk substitutes by multinational corporations.⁴⁰ MAPBIN has proposed the following initiatives:

- (a) Create more Breastfeeding Clinics in hospitals based on the model at the Sir Seewoosagar Ramgoolam National Hospital, launched in 1996, run by MAPBIN, in collaboration with the MoH;
- (b) Train more Breastfeeding Counsellors to provide support to lactating mothers;
- (c) Enact legislation on the WHO/UNICEF Code of Marketing of Breast Milk Substitutes;
- (d) Consolidate the Mother-to-Mother Support Groups initiated by MAPBIN;
- (e) Provide advice and counselling to working women on how to manage work and breastfeeding;
- (f) Provide support to the launching of Baby-Friendly Hospital Initiative;
- (g) Incorporate breastfeeding in the school curriculum from the primary level (this project is already on going and is being funded in part by the Australian High Commission);
- (h) Encourage more work places to provide facilities for breastfeeding mother;

(i) Educate more people on the benefit of breastfeeding for both mother and child, through national awareness campaigns.

339. MAPBIN also runs 4 day care centres, the first of which begun in 1991, in industrial zones and poor areas, and educates mothers on the benefits of breastfeeding. Since 1991, MAPBIN has held regular, talks, in factories and social welfare centres, and acts as a watchdog organisation on child care services provided by other organisations.⁴¹ From 1996, they have published a weekly article, "Porte Monnaie", in *L'Express*, a daily paper with an extensive readership. MAPBIN has begun to provide a kindergarten centre, with the help of a trained teacher from OMEP.

Infant and child mortality

340. Reducing the Infant Mortality Rate, (IMR), and the Under-Five Mortality Rate, (U5MR), has been one of the main objectives of the NPA on child development. The IMR reached 18 deaths per 1,000 live births in 1994, and increased to 22.2 deaths in 1996 and 20.3 deaths in 1997, before decreasing to 19.4 deaths in 1998, and settling at 19.2 deaths per 1,000 live births in 1999. The U5MR increased from 20.9/1,000 live births in 1994, to 24.2 in 1996, and dropped to 21.3/1,000 in 1998 and 1999.

Table 9
IMR and U5MR (per 1,000 live births) from 1990-1999⁴²

| Year | 1990 | 1992 | 1994 | 1996 | 1999 |
|------|------|------|------|------|------|
| IMR | 19.9 | 18.4 | 18.0 | 22.2 | 19.2 |
| U5MR | 22.4 | 21.1 | 20.9 | 24.2 | 21.3 |

341. The IMR rate is considered to be relatively high for a country with a GNP per capita income of 3,900 USD in 1999. It is believed that the main factor contributing to this rise is the significant number of neonatal deaths. In the National Gender Action Plan, (NGAP), prepared by the MWRCDFW, the Ministry of Health indicated that a study will be conducted to examine nutritional factors, and to assess antenatal and post natal services.

Low birth weight

342. Low birth weight, that is those children born with a birth weight of under 2.5 kilograms is a serious problem, and the UNICEF Situational Analysis on Children 1998 states that the rate of low birth weight babies has been going up slowly but consistently over the past few years. It was 9.5% in 1991 and went up to 14.4% in 1999, with a peak of 15.3% in 1996.

343. The recommendations of a study carried out by the Mauritius Institute of Health in 1997, were that pregnant women should be sensitised via health education and encouraged to attend antenatal sessions. Community based health education intervention programmes are also encouraging women to attend antenatal sessions. Health personnel have been advised to pay special attention to pregnant mothers of short stature during antenatal sessions. It is believed that low birth weight babies are linked to poverty, maternal malnutrition, unhealthy life styles, and inadequate prenatal care. Protocols and management guidelines on reducing the perinatal mortality rate have been prepared and distributed to all hospitals and health centres. The NGAP has recommended that appropriate measures should be established for antenatal support, which

includes financial and nutritional support to improve the mother's health. To further support, and monitor the health of pregnant women, a health card system is underway. As a result of these measures, the quality of antenatal and postnatal care at hospitals and health centres has been considerably improved over the past 10 years.

Table 10
Medical examinations by type in Mauritius for 1999⁴³

| Type of Case | Attendance | | |
|------------------------|------------|------------|--------|
| | First | Subsequent | Total |
| Ante-natal | 14 979 | 38 517 | 53 496 |
| Post-natal | 6 751 | 625 | 7 376 |
| Children under 5 years | 12 501 | 23 706 | 36 207 |

344. There is an alarming decrease in subsequent post-natal visits, even though ante and postnatal care is available at all peripheral health units.

Immunisation

345. Mauritius has been successful in its immunisation programme. All children have to be vaccinated, and a vaccination programme is also available through schools. In 1999, a total of 98,727 children were vaccinated, and 27,558 pregnant women were vaccinated against tetanus toxoid.

346. Children who have not been vaccinated, are referred to the MoH for vaccinations, and schools are visited and the children screened by doctors and nurses at least once a year. New entrants are immunised against diphtheria, tetanus (D.T.), and poliomyelitis. School leavers are immunised against tetanus and tuberculosis, and girls against rubella. Medication against worms is distributed once a year to pre-school and primary school children. The health card system was launched in 1998 to identify children at risk, and those who have chronic conditions and disabilities, for early referral and treatment.

Table 11
Percentage of immunised babies and pregnant women⁴⁴

| | 1996 | | 1998 | | 1999 | |
|---|------------------|---------|------------------|---------|------------------|---------|
| | % of live births | Number# | % of live births | Number | % of live births | Number |
| Babies | | | | | | |
| BCG | 86.3 | 17 302 | 86.6 | 16 238 | 86.1 | 16 829 |
| DPT (3 rd dose) | 89.5 | 17 941 | 89.2 | 16 724* | 85.0 | 16 616* |
| Polio (3 rd dose) | 89.7 | 17 987 | 89.6 | 16 803 | 85.4 | 16 690 |
| Measles | 16.2 | 3 250 | N/A | N/A | N/A | N/A |
| MMR with Hepatitis B (3 rd dose) | 44.8 | 8 972 | 84.6 | 15 863 | 79.7 | 15 581 |
| Pregnant women | | | | | | |
| Tetanus Toxoid (2 nd or higher dose) | 77.9 | | 76.9 | 14 416 | 74.9 | 14 643 |

* With Hepatitis B.

Number of immunisations performed.

Nutrition

347. The nutritional status has generally improved with the economic progress over the years. The Ministry of Health's nutritional survey for Mauritius and Rodrigues, covering children under 7 years of age, and pregnant women following treatment at government clinics, released in December 1995, showed that the nutritional situation had improved considerably. Malnutrition had decreased from 24% in 1985, to 16% in 1995. Chronic malnutrition was lowered from 21.5% to 10.1%, and acute malnutrition from 16.2% to 14.8% in the same period. However, the high recurrent rate of perinatal deaths; there were 419 such deaths in 1999, implies that there is still a considerable lack of maternal nutrition. In 1999, 73.3% of infant deaths occurred within the neonatal (under 4 weeks of age), period, though the neonatal mortality rate has shown a slow decrease from 14.8 in 1998, to 14.1 in 1999. The leading causes of neonatal mortality were identified as slow foetal development, foetal malnutrition and immaturity, once again highly suggestive of maternal malnutrition.

348. Most children with malnutrition come from socio-economically disadvantaged families and depressed areas. Two trust funds for vulnerable groups, one created by the Ministry of Finance, and the other created by the Ministry of Economic Development were created to provide funding for projects exclusively in deprived areas. A poverty alleviation scheme is being implemented separately. The MWRFWCD was entrusted with an IFAD, (International Fund for Agricultural Development), scheme for Community Development and micro enterprise development to finance community development projects, and women who want to start enterprises. A micro-credit scheme was implemented in 1998, to provide loans without collateral to poor women, and to help them start income generating projects and improve the standard of living of their families.

349. Most children with malnutrition come from socio-economically disadvantaged families and depressed areas. Two trust funds for vulnerable groups, one-the Trust Fund for Social Intergration of Vulnerable Groups created by the Ministry of Finance, and the other created by the Ministry of Economic Development- were created to provide funding for projects exclusively in deprived areas. A poverty alleviation scheme is being implemented separately. The MWRCDFW was entrusted with an IFAD, (International Fund for Agricultural Development), scheme for Community Development and micro enterprise development to finance community development projects, and women who want to start enterprise. A micro credit scheme was implemented in 1998, to provide loans without collateral to poor women, and help them start income generating projects and improve the standard of living of their families.

350. The Home Economics Unit of the MWRCDFW organises courses on healthy eating and nutrition for women, and trains about 1,000 women every year. It is hoped that they will spread this education amongst their family and friends. The MoH also conducts nutrition and health education programmes regularly, and various NGOs also contribute in holding such classes.

351. The Development Bank provides easy loan schemes, available for agricultural projects, and fertilisers and equipment requirements are subsidised by the government, which also subsidises staple foods such as rice and flour. The government also regulates the prices of potatoes and onions, and offers a guaranteed price to local planters for these products.

Water and sanitation

352. Clean drinking water is available in almost all regions of Mauritius. However, clean drinking water is still a problem in Rodrigues. About 26 chlorination plants and 16 filtration plants have been installed and it is expected that the quality of potable water will improve substantially in the very near future.

353. Regarding water availability in Rodrigues, the quantity of available water resources is considered adequate during the wet season, the average water production being of the order of 7500 m³/day of desalinated water. It also envisaged to rehabilitate and construct, major surface impounding reservoirs in Rodrigues in the near future. The water transmission distribution network is also being rationalised to permit the available water to be uniformly distributed to all regions of Rodrigues.

354. An area of concern highlighted by MAPBIN has been that a majority of schools do not provide safe drinking water to children, as the water tanks are old, and dilapidated.⁴⁵ However, the Ministry of Health and Quality of Life has recommended that all schools be provided with fibreglass water tanks. It also regularly monitors drinking water quality at schools - which meet the standards set by the WHO as regards purity. Some PTAs and Head teachers are in the process of buying new water tanks.

355. During the period 1990 to 2000, there has been an increase in water demand due to the increase in the number of houses which had to be provided with piped, potable water. The country has implemented several water development projects in the same period to meet the four per cent increase in water consumption, and to improve the quality of the water supplied.

356. The major problems to water quality has been the risk of contamination to the surface and ground water by the use of fertilisers, pesticides, leaching of industrial wastewater from hotels, and solid waste dumping grounds. However, joint studies carried out by the Central Water Authority, MSIRI and the Ministry of Agriculture between 1995 and 1999 revealed that at present the level of fertilizers and pesticides in the surface and groundwater are within the permissible limits. As a precautionary environmental measure, hotels of 75 rooms or more are equipped with Wastewater Treatment Plant with the possible reuse of treated wastewater in view.

Table 12

Type of domestic facilities by percentage of housing units from 1990 to 2000⁴⁶

| Domestic facilities | 1990 (%) | 1995 (%) | 2000 (%) |
|------------------------------------|----------|----------|----------|
| Piped water inside the house | 56 | 64 | 83.7 |
| Piped water on premises | 34 | 32 | 14.5 |
| Public fountains and other sources | 10 | 4 | 1.8 |
| Total | 100 | 100 | 100 |

357. Waterborne diseases are under control in Mauritius. For instance the number of deaths due to diarrhoea is insignificant. During high-risk periods, such as flooding and cyclones, the population is informed about precautionary measures through the mass media.⁴⁷

358. Despite a major programme aimed at upgrading and rehabilitating the sewage infrastructure, almost 70% of the population remain unconnected to sewerage networks. Most such houses use soakage pits, which may well contribute to water contamination. In highly permeable, sensitive coastal locations, inadequate filtration, and partially treated effluent may result in lagoon pollution, eutrophication, algal bloom, destruction of mangrove areas, coral degradation, and pose a health hazard for humans. The National Sewerage Master Plan, (NSMP), aims at resolving the problems created by domestic sewage, and the Government, and the Ministry of Environment, are implementing a comprehensive sewage scheme to protect the environment. In addition to the NSMP, regulations for on-site disposal facilities have been elaborated for regions that are not presently served by a sewerage network.

Environmental degradation

359. Economic development and intense industrial process during the last decade have brought environmental degradation and pollution problems. The indiscriminate discharge of domestic waste water and industrial effluents on bare-lands and into watercourses, emission of harmful gases from factories and motor vehicles and the generation of large amount of solid waste have posed a real threat to the environment and have given much concern to the authorities. In addition, the rapid expansion of the tourist industry has led to heavy and haphazard coastal development with adverse impact and intense pressure on the, marine environment.

360. Government's environmental policy gives a commitment to safeguard health and maintain quality of life for all the people of Mauritius and Rodrigues. The first National Environment Action Plan (NEAPI) developed in 1990 and the subsequent implementation of an Environmental Investment Programme (EIP 1) has significantly contributed to improve the situation regarding environmental protection. Appropriate institutional (Department of Environment) and legislative (Environment Protection Act, 1991) frameworks have been set up. The Ministry of Environment whose mandate is to protect and preserve the environmental assets of the country has already promulgated National Environmental Standards in respect of drinking water quality, ambient air quality and air emission levels, noise levels and sugar industry effluent limitations. A second National Environmental Action Plan (NEAP 2) has been formulated and a second investment programme (EIP 2) is being implemented.

361. The Ministry of Environment conducts all year round awareness campaigns on the need to protect the environment and children are an important target group and they are called upon to play an active role in this process. Special programmes have been tailor-made to cater for children with handicaps. Skills development through environmental activities and enviro-games are important components of the programme. The sense of observation and inherent faculties are developed within the child who is called upon to pay due respect.

362. The government has purchased two sound level meters and two smoke capacity meters for monitoring noise intensity and smoke emission from vehicles respectively.

363. A well structured "Police de l'environnement" was implemented in 2000 to ensure compliance with environmental laws.

364. Conscious of the nuisance and environmental pollution caused by open dumps, the Government of Mauritius has closed all such places, except one landfill site for ultimate disposal. The former open dumps are being rehabilitated for recreational use.

365. Due consideration is also given to Global Environment Issues such as Global Warming, Depletion of the Ozone Layer and loss of biodiversity. In fact Mauritius is a signatory of Conventions dealing with these issues.

366. Major environmental events such as World Environment Day Celebrations, Earth day observation, Ozone Day and Clean up the World Campaign are regularly celebrated to sensitise the public on the need to protect our environment. Brochures, pamphlets, booklets and magazines are distributed to children during such events where they are called upon to participate actively.

Antenatal and postnatal care

367. Antenatal and postnatal care is available, free of charge, throughout the 14 Primary Health Care Centres in Mauritius and in Rodrigues. Urgent, or serious cases are referred to regional hospitals with obstetrics wards. Antenatal care includes periodic health check-ups, immunisation against tetanus, confinement in government hospitals, the identification and management of maternal complications, a personal and family history, physical examinations and laboratory tests for STDs and HIV. Health education and counselling on breastfeeding, nutrition, hygiene, and the effects of alcohol and smoking during pregnancy are provided.

368. Postnatal care includes regular home medical check-ups by midwives, physical examination, and encouraging the mother to exclusively breastfeed her baby.

Fertility rate among teenage girls

369. The pregnancy rate of women in the 15 - 19 years age group has remained at 10% over the last 10 years. This is considered to be high in view of the total prevailing fertility rate, and as comparable figures from other countries indicate that this rate should be approximately 4%. Moreover, every year, about 25 live births are registered for girls below 15 years of age. This is a serious problem as teenage pregnancy often results in illegal abortion, conducted by non-qualified personnel. Moreover, it has serious social, health, educational and psychological implications for the girl child's future.

Table 13

Number of pregnancies for girls under 19 years

| Age group | 1997 | 1998 | 1999 |
|-----------|-------|-------|-------|
| Under 15 | 32 | 22 | 33 |
| 15 to 19 | 2 068 | 1 957 | 1 922 |

370. The Ministry of Health is the main organisation dealing with family planning and population control in Mauritius, with the Family Planning Programme being part of health services provided free of charge to all Mauritians. The Mauritius Family Planning Association, (MFPA), and the Action Familiale, (AF), are the two main NGOs that deal with such issues,

complementing Government services. The MFPA provides modern contraceptive methods at a subsidised rate, covering approximately 6% of all family planning users. AF provides natural family planning, with about a 10% coverage of all natural family planning users. Information about present and new contraceptive users is shown below. This number has been declining since 1996, as has the number of new users.

Table 14

Total numbers of current, and new contraceptive users in Mauritius⁴⁸

| Year | Number of current users | Number of new acceptors | Total number of users |
|------|-------------------------|-------------------------|-----------------------|
| 1995 | 86 069 | 12 148 | 98 217 |
| 1996 | 87 395 | 11 775 | 99 170 |
| 1997 | 84 142 | 11 779 | 95 921 |
| 1998 | 82 929 | 11 663 | 94 592 |
| 1999 | 82 541 | 11 697 | 94 238 |

371. Statistics from the Ministry of Health show that approximately 5% of all women between 15 - 19 years of age use a method of contraception, representing about 3% of all contraceptive users in Mauritius. Sexually active teenagers prefer to buy contraceptives from private pharmacies, rather than Government and NGO clinics to maintain their anonymity. At present, there are no legal age restrictions on the use of contraceptives. To help reduce child pregnancy, there must not be such restrictions despite objections. It is only through sex education in all primary and secondary schools, and by continuous campaigns to remind people to use contraceptives, and by easy access to contraceptives, that the teenage pregnancy rate will be lowered. Rodrigues has a higher fertility rate than Mauritius, though this may be due to the smaller base population. The age specific fertility rates are given in the tables below:

Table 15

Age specific fertility rates for Mauritius⁴⁹

| Age specific fertility rate | 1972 | 1986 | 1991 | 1996 | 1997 | 1998 | 1999 |
|-----------------------------|--------|-------|-------|-------|-------|-------|-------|
| 15-19 | 50.3 | 39.6 | 45.8 | 37.9 | 36.2 | 35.3 | 35.8 |
| 20-24 | 188.4 | 115.9 | 149.0 | 131.6 | 129.0 | 121.6 | 124.6 |
| 25-29 | 190.8 | 115.5 | 133.0 | 130.5 | 123.4 | 121.9 | 125.7 |
| 30-34 | 130.1 | 69.9 | 80.7 | 80.0 | 75.1 | 73.1 | 77.6 |
| 35-39 | 88.4 | 35.3 | 36.7 | 34.7 | 34.4 | 32.5 | 34.2 |
| 40-44 | 31.7 | 10.4 | 10.6 | 8.4 | 7.7 | 7.5 | 7.9 |
| 45-49 | 3.8 | 1.4 | 0.9 | 0.4 | 0.7 | 0.6 | 0.5 |
| Crude birth rate | 24.81 | 18.30 | 20.7 | 18.25 | 17.37 | 16.67 | 17.20 |
| General fertility rate | 104.50 | 66.80 | 75.0 | 63.92 | 60.79 | 58.40 | 60.63 |

Table 16**Age specific fertility rates for Rodrigues⁵⁰**

| Age specific fertility rate | 1983 | 1990 | 1996 | 1997 | 1998 | 1999 |
|-----------------------------|--------|--------|-------|-------|-------|-------|
| 15-19 | 91.1 | 75.2 | 50.5 | 47.4 | 49.3 | 53.2 |
| 20-24 | 245.1 | 152.2 | 100.3 | 95.9 | 96.4 | 93.1 |
| 25-29 | 234.9 | 150.3 | 118.2 | 113.7 | 119.6 | 132.1 |
| 30-34 | 206.3 | 110.7 | 117.5 | 107.5 | 110.7 | 125.7 |
| 35-39 | 155.8 | 94.5 | 77.0 | 74.8 | 64 | 63.8 |
| 40-44 | 77.0 | 46.8 | 32.0 | 31.4 | 32.1 | 36.2 |
| 45-49 | 21.7 | 8.6 | 5.3 | 3.4 | 3.4 | 3.1 |
| Crude birth rate | 34.70 | 23.70 | 20.30 | 19.82 | 20.20 | 21.70 |
| General fertility rate | 155.80 | 100.98 | 77.26 | 73.24 | 74.17 | 78.35 |

372. The Ministry of Health (MOH), MFPA and AF, conduct sensitisation campaigns on family planning through the media. There is no formal education component on sex education for children or young people within the school system, although the RCEA, with UNICEF assistance, has produced a video and accompanying booklet about safe sex, and sex education, aimed at adolescents. The MFPA has also organised a Family Life Education, (FLE), task force to integrate sexual education in the school curriculum from the primary school level.⁵¹ The NCC has been conducting a national campaign on unsafe sex in secondary schools with much success, and there has been increasing demand for such campaigns by students. The United Nations Population Fund, (UNFPA), has agreed to provide funding for a national campaign in Mauritius and Rodrigues for young people with the involvement of the MoH, MWRFWCD and the Ministry of Education. A manual, and guidelines are being prepared and trainers will soon be ready for the project. This is expected to eventually form part of the school curriculum. However, sex education as an official part of the school curriculum faces strong opposition by parents, due to cultural, traditional and religious reasons.

373. Though abortion is illegal in Mauritius, it takes place at an alarming rate, and hospitals have registered an increasing number of cases due to complications that have arisen from an abortion, as indicated in the table below.

Table 17**Cases of complications related to abortion, including deaths for Mauritius⁵²**

| Year | Government hospitals | Private clinics | Total |
|------|----------------------|-----------------|-------|
| 1992 | 1 726 | 692 | 2 418 |
| 1993 | 1 717 | 630 | 2 347 |
| 1994 | 1 922 | 557 | 2 479 |
| 1995 | 1 888 | 605 | 2 493 |
| 1996 | 2 008 | 711 | 2 719 |
| 1999 | 2 485 | 412 | 2 897 |

374. Teenage girls who are pregnant often suffer from multiple problems. They have to interrupt their schooling, may be rejected by their families, and may suffer fertility and psychological problems. An NGO, Movement d' Aide, is providing counselling to pregnant girls, with a video and booklet, but there are at present no centres or homes for pregnant girls.

375. On International Womens Day, 8th March 2000, the MFPA organised a national forum on "Unsafe Abortion in Mauritius", to highlight the dangers and to generate more discussion about this taboo topic.⁵³ Since then, the MFPA have organised more awareness raising campaigns about abortion through community and religious groups, and through the mass media.⁵⁴

HIV/AIDS

376. There were 111 HIV/AIDS cases between June 1997 and June 1999. Of the total, 73 were males, and 38 were females. The first HIV positive case in Rodrigues was detected in 1998. 10 babies have been born to HIV positive women, and two children aged 4 and 5 years, were diagnosed as HIV positive. As at September 2000, the number of cases among Mauritian residents had reached 209 cases, of which 61 were full blown, and 148 were asymptomatic. 58 people with HIV had already passed away by that date. Heterosexual contact accounted for 70% of the mode of transmission. Among women with HIV/AIDS, 56% were housewives.⁵⁵ In December 1999, a National Day Care Centre for Immune-suppressant Diseases was opened. At present, there are 2 doctors and 3 nursing staff working at the HIV/AIDS centre in Port Louis. An additional five nursing officers are working in five other health regions. A regional out-patient clinic is conducted once a week for those patients who are too poor, or ill to travel to Port Louis, though the majority prefer to travel to Port Louis for the anonymity it affords them. Once again, this highlights the lack of education about HIV/AIDS, which leads to fear and discriminatory attitudes against those with it. More aggressive sensitisation campaigns are needed to fully educate people about HIV/AIDS.

377. In Rodrigues, 1 social worker, and 1 local AIDS coordinator promote an AIDS awareness campaign, assisted by the AIDS committee for Rodrigues, made up of people from various sectors.

378. The MFPA has conducted major sensitisation campaigns in the EPZ, and trained workers at the EPZ about HIV/AIDS and STDs, so that the knowledge would be passed on to more people. Since 2000, the MFPA has launched over 78 radio programmes on health, teenage sexuality and HIV/AIDS issues in Creole and Bhojpuri.⁵⁶

379. At present there are no specific laws dealing with discriminating against people with HIV/AIDS. Such laws are all the more urgent in light of a case where a pre-primary school suspended a child who was HIV negative, but had HIV positive parents. The child was later allowed to resume schooling, because the NGO, PILS fought for the child's rights. However, the child may have suffered psychological trauma, and may continue to suffer from social discrimination.

Table 18**Cumulative number of full blown AIDS and HIV asymptomatic cases as from 1987 to September 2000 among residents in Mauritius by sex⁵⁷**

| Sex | Cumulative total 1987 to September 2000 | | Total |
|--------|--|---------------|-------|
| | Residents | Non-residents | |
| Male | 137 | 50 | 187 |
| Female | 72 | 11 | 83 |
| Total | 209 | 61 | 270 |

380. The AIDS unit of the MoH and PILS, conduct educational programmes, distribute booklets to sex workers, and the public, and provide support to victims. They also organise support programmes for those affected, and their families. The rise in HIV positive cases, coupled with a reduction in use of contraceptives and ignorance about HIV/AIDS is a recipe for disaster. The need to educate people, especially children, on unsafe sexual practises, has never been greater.

381. As from September 1999, all pregnant women attending antenatal clinics in Mauritius are counselled on HIV infection, and HIV testing is carried out on consent. Four of the women diagnosed as being HIV positive had infected a total of six babies, during pregnancy, delivery or breastfeeding. HIV positive adults and children are treated free of charge.⁵⁸ To reduce the risk of mother to child transmission, antiretroviral treatment, (AZT), is provided to HIV positive women from pregnancy to delivery. The new born baby is also given AZT for six weeks after birth, and artificial milk for two years. The Ministry of Health and Quality of Life treats all HIV positive adults for secondary infections, and offers antiretroviral treatment to HIV positive children.

382. The Mauritius National AIDS Control Programme, (NACP), was initiated in 1987, just before the first case of AIDS was diagnosed. An AIDS Unit was set up under the aegis of the Ministry of Health in 1987, and was mainly financed by donor agencies.

383. Mauritius does not have a specific policy paper on children with AIDS, and though the problem of AIDS has been addressed effectively up to now, it is dangerous to become complacent, for if timely action is not taken, HIV/AIDS will spread, devastating the country. Moreover, cross-sectoral surveys for biological and behavioural surveillance are not conducted, resulting in a lack of appropriate indicators for the effectiveness of the prevention programme. There is also no legal and ethical framework governing HIV/AIDS infection especially with regard to children.

384. Adoptive parents have a right to know whether their adoptive child is HIV positive.

Traditional practices

385. Genital mutilation is not practised in Mauritius, and child marriage has not been a problem.

Articles 26 and 18, para. 3

Social security and child care services and facilities

386. Reference is made to the initial report of the Republic of Mauritius, paragraphs 55 and 56.

387. The Ministry of Social Security provides the following assistance:

(a) Abandoned women and unmarried mothers may qualify for social aid if they are unable to earn their livelihood, and have insufficient means to support themselves and their children;

(b) Deserted husbands or widowers with dependant if they are unable to work and have no means to support their families.

388. Awareness campaigns are conducted periodically to inform the public of the social aid schemes and to enable needy people to apply for the social aid.

Child care services

389. Reference is made to Section VI.

Article 27

Standard of living

390. Reference is made to the initial report, Section II, paragraph 55.

391. A multi-disciplinary study of the problems of exclusion was commissioned by the President of the Republic of Mauritius in 1997 to look into the causes and nature of exclusion in Mauritian society. Several areas in Mauritius are still considered as structurally deprived.

392. Funding for poverty alleviation and community development initiatives are available through the national budget both at national and local levels and partly through Overseas Development Assistance, (i.e. European Development Fund (EDF), United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA). For example, the Trust Fund for the Social Integration of Vulnerable Groups and "A Nou Dibout Ensam" (Let's stand up together) are programmes that attempt at assisting the vulnerable segments of the population. They are conditional to community initiatives, beneficiary involvement, self-reliance and sustainability. Moreover, basic amenities in 53 deprived localities have been made available by the Government under a Marshall Plan with a view to improve living standards of those living in deprived areas. A National Action Plan to combat poverty and ensure social cohesion is presently being prepared at the Ministry of Finance.⁵⁹

VIII. EDUCATION, LEISURE AND CULTURAL NEEDS

Article 28

Education, including vocational training and guidance

393. Reference is made to the initial report of the Republic of Mauritius, paragraphs 96 to 119.

394. The Education Act recommends compulsory schooling for children between 5 and 12 years. No discrimination can be permitted for the admission of children in State Secondary and private aided schools. However, there are no established criteria for admission for those schools who do not receive grants from the Government (in all there are 13 such schools). In 2000, there were 278 primary schools in the island of Mauritius and 13 in the island of Rodrigues. These schools are scattered all over the country. Notwithstanding the fact that schooling is not compulsory for children under 5 year of age, existing pre-primary schools enrol children of 4 years of age. On the other hand the Government, conscious of the need for an early schooling, is proposing a monthly grant of Rs 200. per child aged 4, admitted to a private pre-primary school.

Pre-primary education

395. Enrolment figures for pre-primary schools in Mauritius have declined since 1997, mainly due to demographic trends. The decline is also probably related to the fact that pre primary education is not compulsory, that it is expensive and that there are more home care providers who may be more flexible or cheaper.

Table 19

Enrolment figures for pre-primary schools⁶⁰

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-----------|--------|--------|--------|--------|--------|--------|
| Mauritius | 33 420 | 41 766 | 41 141 | 40 530 | 38 111 | 37 222 |
| Rodrigues | 1 024 | 1 138 | 1 138 | 1 181 | 1 121 | 1 188 |
| Total | 34 444 | 42 904 | 42 279 | 41 711 | 39 232 | 38 340 |

396. In 2000, there were 1.087 preprimary schools, including 32 in Rodrigues. 70% were privately run, 16% were situated in primary school compounds and were administered by Parent Teacher's Associations, and 5% were run by municipal and village councils. Independent figures by OMEP for the year 2001 suggest that there are approximately 1,600 are registered with the Ministry of Education and Scientific Research, that is, the teachers are qualified, the buildings are appropriate for children and are visited by health staff and the necessary amenities are available. Some pre-schools situated in the heart of the City do not satisfy the criteria for registration specially in terms of space, while others in rural areas do not have appropriate and adequate equipment or qualified educators. In such cases, closing down the school will not be in the child's best interest. The government should urgently find solutions to these problems, if necessary, in collaboration with NGOs.

397. The budget for pre-primary education was increased from 6 million Rupees in 1995/96 to 55 million Rupees in 1997/98.⁶¹

398. Training has been carried out initially by the Pre-primary unit of the Ministry of Education to up-grade pre-schools. The Mauritius Institute of Education offers formal training programmes at certificate level. A Certificate of Proficiency course by distance education mode, targeted 1000 educators who did not have the basic qualifications to join the MIE courses. A number of NGOs such as OMEP and Playgroup have been engaged in pre-school education for many years.

399. In 2000, there were 39,232 children aged 3 years or above, in Mauritius and Rodrigues attending registered pre-primary schools. As birth rates decline, projections for the pre-school population is expected to decline from 41,000 pre-schoolers to 38,000 pre-schoolers by the year 2003, and the gross enrolment rate was 96%, reflecting the success of the Education Act. However, it must be borne in mind that there are children who cannot attend school due to the fact that they do not have birth certificates. These children are being discriminated by the very system created to help in their care and development. As the pre-primary school population decreases, the gross enrolment rate should increase.

400. It was recorded that in 1999, pre primary schools were staffed by 2,448 teachers and 759 non teaching staff. 99.8 % of the teachers are women, and the average ration of teacher per children was 1:6. The fact that 99.8% of the pre-school teachers are women, reflects a huge culturally reinforced gender bias that needs to be addressed. As children, especially pre-school children, need more attention, it would be useful to conduct a study to identify which pre-schools had class sizes larger than the national average, and encourage these to recruit more teachers, in the best interests of the child.

401. The government has been constructing buildings within primary school premises to house pre-primary classes. The government funds teacher training, and the curriculum for pre-primary education includes the development of cognitive and behavioural skills. In 1997, the government introduced a subsidy of Rs 200 for every child over 4 years of age attending pre-primary school. The government is currently reviewing the pre primary school education sector, including the curriculum, the teacher training programmes and the norms and standards of pre primary schools.

402. All pre-primary schools are fee paying as the government subsidy rarely covers the amount claimed for pre-primary education, further school fees for children under 4 years of age are not subsidised and as such the fee is too high for many poor families. This results in the marginalisation of the poor, and is reflected in the very low enrolment rate. In some cases children are not sent to pre primary as the parents cannot afford it, despite the fact that pre primary school education is one of the most important times of a child's educational life. Many pre primary schools are located in sub standard premises.⁶²

Primary education

403. The enrolment figures for primary education show steady increases in both Mauritius and Rodrigues, due to an increase in the population.

Table 20**Enrolment figures for primary schools in Mauritius and Rodrigues⁶³**

| | 1996 | 1997 | 1998 | 1999 | 2000 |
|---------------------|-------------|-------------|-------------|-------------|-------------|
| Mauritius | | | | | |
| Government | [not given] | [not given] | [not given] | [not given] | [not given] |
| Aided and non-aided | [not given] | [not given] | [not given] | [not given] | [not given] |
| Total | 119 655 | 122 312 | 125 681 | 128 745 | 130 464 |
| Rodrigues | | | | | |
| Government | 2 406 | 2 506 | 2 567 | 2 554 | 2 637 |
| Aided and non-aided | 2 528 | 2 291 | 2 257 | 2 190 | 2 136 |
| Total | 4 934 | 4 797 | 4 828 | 4 744 | 4 773 |
| Grand total | 124 589 | 127 109 | 130 509 | 133 489 | 135 237 |

404. There were 291 primary schools in the Republic of Mauritius, including 13 in Rodrigues in 2000. Primary school education in government run and private aided institutions is free, and the primary school population increased by 1.3% between 1999 and 2000. Boys represent 51% of the total school population. 76% of the overall primary school population were enrolled in government schools.

405. The majority of primary schools are owned by the government, while 51 are owned and run by the Roman Catholic Education Authority (RCEA), which receives funds from the government, but reserves the right to conduct its own staff recruitment. 13 private, primary schools do not receive government grants. Once again, these are matters of concern, for though the RCEA may conduct its own staff recruitment, the government must be able to verify that the teachers selected are qualified. The same applies to the teachers and facilities provided in private, non-government funded primary schools, to ensure the best interests of the child are taken into consideration.

406. It is the Mauritius Institute of Education which is responsible to train RCEA teachers and the Primary Inspectorate of the Ministry of Education supervises their work.

407. The average teacher-pupil ration for primary school education in 2000, was 1:36. Once again, attention must be paid to ideal class size, which would probably be approximately 1 teacher for every 20 to 24 children, to ensure that teachers are not overworked, and can pay complete attention to each child's special requirements. Primary school enrolment was approximately 98% in 1999.⁶⁴ The primary school cycle is a six-year system with the possibility of repetition in the sixth year. The successful completion of primary school is rewarded by the Certificate of Primary Education (CPE), the result of which determines the child's admission to secondary schools. The selection is conducted on the basis of a grading system, whereby all children obtaining the present minimum pass grades (Grade E in English, French and Mathematics and an overall 35%) will join the secondary mainstream. As from 2002, 'star' secondary schools have been transformed into Form VI Colleges and admission to State Secondary Schools have been effected on a regional basis. (Ref: Report Min of Education, Ending the rat race in primary education and breaking the admission bottleneck at secondary level)

408. A study of private costs of education conducted in 1994⁶⁵ showed that although primary education is free, many facilities could not pay the cost of private tuition and school accessories. Private tuition imposes a heavy burden on children who have to continue classes after normal school hours, and sometimes in unsuitable conditions.

409. The Master Plan for Education, (MPE), developed with the support of UNESCO, the World Bank and other international bodies in 1991, proposed structural reforms with the introduction of a compulsory nine year education system, a review of the curriculum, and special support schemes for low performing schools. In 1997, the Action Plan for Education, (APE), proposed the construction of new secondary schools which would increase access to secondary education and relieve the competitive pressure on students. It also advocated the end of ranking at the CPE examinations, and the regionalisation of admission to secondary education. However, these recommendations have not yet been fully implemented.

410. Reforms are presently being undertaken with regard to the primary education curriculum, and in particular, in encouraging creativity, the extension of school hours, reviewing teacher training and improving the school environment. Much emphasis is being laid on support schemes for schools in deprived areas, which have a low performance. Special support programmes aim at improving the school performances environment and provide socio-psychological support education to children who are in low performing schools. The 11 year schooling system has been approved and its implementation has started.

Table 21
Percentage pass rates for Mauritius and Rodrigues at the CPE

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-----------|-------|-------|-------|-------|-------|-------|
| Mauritius | 65.7% | 65.8% | 67.4% | 64.7% | 66.8% | 70.2% |
| Rodrigues | 55.9% | 50.8% | 58.5% | 54.8% | 55.6% | 56% |

411. In the most successful year for Mauritius, in 1999, 64.7% of children or 16,393 children passed the CPE. Such a low pass rate at the primary level indicates that the educational system is severely flawed. The situation is even worse in Rodrigues that has a pass rate that is at least 10% lower than in Mauritius.

Table 22
The numbers and types of primary schools in Mauritius and Rodrigues⁶⁶

| | 1996 | 1997 | 1998 | 1999 | 2000 |
|------------|------|------|------|------|------|
| Mauritius | | | | | |
| Government | 213 | 213 | 214 | 215 | 217 |
| RCA | 46 | 46 | 46 | 46 | 46 |
| Aided | 2 | 2 | 2 | 2 | 2 |
| Non-aided | 8 | 9 | 10 | 11 | 13 |
| Total | 269 | 270 | 272 | 274 | 278 |
| Rodrigues | | | | | |
| Government | 7 | 8 | 8 | 8 | 8 |
| Aided | 5 | 5 | 5 | 5 | 5 |
| Non-aided | 0 | 0 | 0 | 0 | 0 |
| Total | 12 | 13 | 13 | 13 | 13 |

412. At the end of the primary cycle, some 63% or 15,194 of Std VI pupils in 1999 proceeded to secondary schools (Form I), in 2000 and another 8% to Vocation Schools, in the island of Mauritius. In Rodrigues, the transition rate from primary to secondary was 56% that is 558 pupils joined secondary schools and 8% or 50 pupils enrolled in vocational schools.

Secondary education

413. Secondary education in Mauritius is free, yet the gross enrolment rate is about 67%. Most secondary schools are run by the private sector, with only about 25% of the secondary school population studying in state secondary schools. After five years of schooling the student sits for the School Certificate, and after a further two years, students exercise options based on a wide choice subjects, namely languages, arts, social sciences, science and technical subjects, and facilities are available for physical education. A Careers Guidance Unit provides counselling to pupils, and a national careers convention is organised every year. Between 1996 and 1999, 11 new secondary schools were completed.

Table 23

Secondary schools by district for 2001

| Region | Number of schools | Number of children |
|----------------|-------------------|--------------------|
| Urban | | |
| Port Louis | 22 | 12 447 |
| Plaine wilhems | 48 | 41 354 |
| Rural | | |
| Pamplemousses | 11 | 7 762 |
| Riv du Rempart | 9 | 7 296 |
| Flacq | 12 | 9 908 |
| Grand port | 13 | 6 275 |
| Savanne | 8 | 3 837 |
| Moka | 8 | 4 510 |
| Black River | 1 | 946 |

414. In 2001, a new programme involving the conversion and extension of existing schools will be evolved and 40 new colleges will be operational between year 2002 and 2004.

Table 24

Enrolment figures for secondary schools in Mauritius and Rodrigues⁶⁷

| | 1996 | 1997 | 1998 | 1999 | 2000 |
|---------------------|--------|--------|--------|--------|--------|
| Mauritius | | | | | |
| Government | 19 479 | 20 406 | 23 242 | 24 185 | 25 217 |
| Aided and non-aided | 70 641 | 70 308 | 67 998 | 67 777 | 66 991 |
| Total | 90 120 | 90 714 | 91 240 | 91 962 | 92 208 |
| Rodrigues | | | | | |
| Government | NA | NA | NA | NA | NA |
| Aided and non-aided | 2 917 | 3 125 | 3 124 | 3 225 | 3 240 |
| Total | 2 917 | 3 125 | 3 124 | 3 225 | 3 240 |
| Grand total | 93 037 | 93 839 | 94 364 | 95 187 | 95 448 |

415. The enrolment figures for Mauritius and Rodrigues show a slow increase, and a much reduced enrolment rate than that of the primary school enrolment rate.

Table 25

The numbers and types of secondary schools in Mauritius and Rodrigues⁶⁸

| | 1996 | 1997 | 1998 | 1999 | 2000 |
|-------------------------------|------|------|------|------|------|
| Mauritius | | | | | |
| Government | 29 | 29 | 31 | 31 | 34 |
| Private (aided and non-aided) | 98 | 98 | 99 | 101 | 97 |
| Total | 127 | 127 | 130 | 132 | 131 |
| Rodrigues | | | | | |
| Government | NA | NA | NA | NA | NA |
| Private (aided and non-aided) | 3 | 3 | 3 | 3 | 3 |
| Total | 3 | 3 | 3 | 3 | 3 |

416. With the shift in population from rural to urban areas, the government has had to provide for more schools in urban areas, and as a consequence, some schools in rural areas have closed. The teacher to pupil ratio of 1:19 superficially indicates that there are enough secondary schools for children, however, the quality of teaching at these schools varies, and the number of excellent, or “star” secondary schools is extremely limited, resulting in fierce competition for enrolment in these schools. New reform proposals have been formulated with a view to enhancing the quality of education and eliminating the existing competition.

Table 26

Percentage pass rate for the SC and the HSC for Mauritius and Rodrigues⁶⁹

| | 1996 | 1997 | 1998 | 1999 | 2000 |
|---------------|------|------|------|------|------|
| % pass at SC | | | | | |
| Mauritius | 75.3 | 76.0 | 77.5 | 77.5 | 77.4 |
| Rodrigues | 62.2 | 58.9 | 64.8 | 60.8 | 57.9 |
| % pass at HSC | | | | | |
| Mauritius | 68.8 | 73.3 | 72.9 | 75.3 | 72.5 |
| Rodrigues | 69.2 | 50.7 | 36.3 | 27.6 | 65.4 |

417. Where the percentage pass rate does not fluctuate much above or below the mean in Mauritius for both the SC and the HSC, the rates in Rodrigues, especially for the HSC were an appalling 27% in 1999. Though it rose to 65.4% in 2000, it is apparent that there is a substantial gulf between the pass rates in Mauritius and Rodrigues both at SC and HSC levels.

418. The percentage distribution by gender in secondary schools was 51% for girls as compared to 49% for boys, reflecting the success of non-discriminatory educational policies. The pupil to teacher ratio was 19:1 in 2000. The secondary schools employed 4,315 male employees and 3,480 female employees.

419. Passes at the Cambridge School Certificate showed a higher pass rate among girls with 78%, compared to 76% for boys, once again showing no education policy gender bias. At the HSC, the pass rate was 76% for girls as compared to 73% for boys.

420. The Catholic Schools which operate under the supervision of the Bureau D'Education Catholique have the right to reserve about 50 per cent of their seats for admission on criteria to be determined by them. However they had adopted an admission policy of reserving those seats in Form I for Catholic pupils. This was pursuant to the overriding principle of specificity, to which criteria adopted and to be adopted were subject to. This admission policy has been challenged before the Supreme Court of Mauritius which held that it to be discriminatory and therefore unconstitutional (Tengur v/s The Ministry of Education and others 2002 SCJ 298. The Appeal by the BEC to the Privy Council has been dismissed in mid December 2003.

421. In the former system, the best secondary schools were classified according to the number of scholarships that their students obtained. This is no longer the case with the transformation of 'star' secondary schools into Form VI Colleges. Such high demand State Secondary Schools no longer have a Form I intake, whereas the existing SSS converted into Form I to Form V Secondary schools have no intake in Form VI. (Ref: Report Min of Education, Ending the rat race in primary education and breaking the admission bottleneck at secondary level).

422. A number of private secondary schools do not offer adequate facilities for students, and the cost of textbooks, school material and requisites is quite prohibitive for poor families. Furthermore, it has been noted that gender-based discrimination exists in the choice of subjects offered in schools, as only boys' schools offer some technical subjects, while Home Economics is offered only in girls' schools.

Technical and vocational education

423. Secondary schools for vocational education have been established to cater for children who have failed to pass the CPE examinations after a second attempt, and so are not eligible to enter a secondary school. In 2000, there were 25 vocational schools in Mauritius and 1 vocational school in Rodrigues, and only 12 of the 26 schools were state schools. In 1999, there were 1,310 girls and 3,149 boys attending vocational schools, while in 2000, there were 1,351 girls as compared to 3,344 boys. The figures suggest that approximately 4,500 children, the majority of whom are boys, fail the CPE annually, and indicate a rapidly increasing failure rate for boys at the CPE.

424. The Industrial and Vocational Training Board runs technical and vocational courses in a wide range of areas, and the number of students enrolled in IVTB centres in 1999 was as follows:

Table 27

Number of students enrolled in IVTB courses⁷⁰

| Mode of study | Full time | Part time | Total |
|---------------|-----------|-----------|-------|
| Male | 1 222 | 3 105 | 4 327 |
| Female | 272 | 511 | 783 |

425. The IVTB program is not offered to children in correctional facilities at present, as the IVTB has no such qualified personnel. The IVTB has organised its training in three levels, for those with at least 3 years of secondary education, for those who have studied up to the HSC, and for those children who have completed their HSC. Pre-vocational training for those children who have failed their CPE has been discontinued by the IVTB, but is being run by the Ministry of Education and Scientific Research. At present, the IVTB runs courses for disabled children in jewellery and garment manufacture. Approximately 8 disabled children complete these courses every year. Employees are offered financial incentives to send their staff for IVTB training courses. In Rodrigues, children who have failed their CPE are first given a basic education by a program run by the UNICEF, and then sent to the IVTB's training courses.

Table 28

Enrolment figures for vocational education at the SSSV institute⁷¹

| | 1998 | 1999 | 2000 | 2001 |
|-----------|-------|-------|-------|-------|
| Mauritius | 3 089 | 3 221 | 3 449 | 4 731 |
| Rodrigues | 137 | 150 | 133 | 182 |
| Total | 3 226 | 3 371 | 3 582 | 4 919 |

426. The rising figures reflect the great effort made by the Government to redirect the double CPE failure students.

427. Non-formal education is conducted at various levels, through NGOs, by youth and sports associations, socio-cultural bodies and specialised unit falling under different Ministries. Government is deeply involved in the provision of non-formal education for girls at Social Welfare Centres and Women's Centre levels.

Expenditure on education

428. Government expenditure on education increased from 1.108 million Rupees in 1990 to 3.669.2 million Rupees in 1999, and to Rupees 3.906.8 million in 2000. Of that sum, 39% was spent on secondary education, 33% on primary education, 13% on tertiary education, 2% on technical school education and 1% on pre-primary education. The budget represents 14.9% of the total recurrent expenditure for 2000/2001. The rapid increase in funding is pleasing, but, when 34% of children fail at the CPE, and only 12% go to university, it indicates that there is a serious, and continual under-funding in the educational sector. Moreover, this under-funding will have negative repercussions in the future, as more children compete for limited university places. The government provides primary school students with textbooks, and pays the examination fees for poor students. Students who do not qualify for government assistance have to purchase their own textbooks, stationery and uniforms.

Medium of instruction

429. The medium of instruction is prescribed in Section 43 of the Education Regulations. In the lower classes of government and aided primary schools up to and including Standard III, any one language which in the opinion of the Minister is most suitable for the pupils, may be used

as medium of instruction. In the standards IV, V and VI of the Government and aided primary schools the medium of instruction shall be English and conversation between the teacher and pupils shall be carried on in English; provided that lessons in any other language taught in the school shall be carried on through the medium of that language.

430. The Minister may make provision for the teaching of languages other than English which are current in Mauritius, and for their study in any Government and aided school, and may require an Education Authority to make arrangements for such teaching in any of the primary schools.

431. The change in the language of education, from one's mother-tongue, to the English language, can be an extremely difficult transition to undergo, one, which some children will not complete successfully, thus impairing their educational progress, and their future.

432. The language issue is a political one. The Government could consider using the mother-tongue as a medium of teaching.

433. In addition to English and French, which are compulsory; ancestral languages such as Arabic, Hindi, Mandarin, Marathi, Tamil, and Telegu are taught in schools. These languages are optional and are not counted for examination ranking purposes. A Select Committee was set up in 1991 to consider that the Asian languages be counted for ranking purposes at the Certificate of Primary Education examinations. 65% of children study an Asian language. The recommendations have not been implemented yet as there is a legal battle over the issue.

Education for development

434. With regard to the educational needs, and support provided to disabled children, reference is made to made to Section VII.

435. The teacher-training curriculum includes the Convention on the Rights of the Child, and handbooks on the Convention are provided to teachers and parents.

436. In the lower primary sector, emphasis is laid on the promotion of the moral, social and culture development of the pupils while also seeking to foster feelings of respect and confidence for self and others. In the upper primary sector, teaching for citizenship comprise key themes such as tolerance, respect for cultural differences, conflict resolution, concern for the environment, peace and national unity amongst other essential competences of citizenship.

437. The Education for Development project, (EDEV), is aimed at reforming the present educational system in Mauritius, by retraining teachers to provide an education that is focused on the needs of the child, so that the child develops a more analytical mind, and education becomes fun.⁷²

438. It is generally acknowledged that the educational system is not focused enough on the application of concepts in various situations, or teaching students to question, and think for themselves. However, with the major educational reform of the system, five new areas have been added to the current curriculum at primary level, namely Health and Physical Education,

the Arts, Information Technology, Citizenship, Education and Science. A new pedagogical method has been developed which is more participatory. (Ref: Situation Analysis of Children and women in the Republic of Mauritius-Dec 2003-pg 100)

439. The phenomenon of private tuition is at its peak level at the end of the primary sector but still persists at Secondary level, even when there is no competition. It is unlikely that the current reform in the education system will totally eliminate private tuition which takes place outside school hours and hardly leaves children of all age groups any time to play or engage in activities such as sports, music and arts. (Ref: Situation Analysis of Children and Women in the Republic of Mauritius Dec 2003-pg 101)

440. With the new reform proposals, namely the introduction of a fair and objective grading system which eschews the excessive competition of the grading system and with the regionalisation of admissions to Form I in State Secondary Schools (Form I-V), it is believed that this will provide an appropriate assessment mechanism along with an element of healthy competition conducive to academic achievement. Also, the conversion of 'star' SSS into Form VI colleges has ensured 'parity of esteem' between SSS (Forms I-V) and has thereby eliminated the need for so extreme an instrument of selection as the CPE ranking. Hence, this will considerably reduce stress faced by children sitting for CPE examination. (Ref: Situation Analysis of Children and Women in the Republic of Mauritius Dec 2003-pg 71)

441. Though the situation is far from being addressed, results from the EDEV, begun in 1996, as a joint project by the Government of Mauritius and UNICEF, are encouraging. Textbooks were reviewed and changed to make them more "child friendly", and students were encouraged to learn through problem-solving, experiments, research, and a host of other methods. Parents were sensitised about EDEV, and ways in which they could contribute to the child's educational development, and in October 1997 and July 1998, exhibitions were held to increase public awareness.⁷³

442. By 2000, 2,500 primary school teachers had been trained in EDEV methodology as had been 540 secondary school teachers, 200 head and deputy head-teachers, 45 primary school inspectors, 10 secondary school inspectors, 40 secondary school directors and deputy directors, 30 regional directors and 75 MIE academic staff.⁷⁴

443. Though no process of evaluation was implemented, the majority of parents, teachers and children agreed that the EDEV project had helped them immeasurably.⁷⁵

444. Teachers in Rodrigues reported that some of their student's exam results had shown marked improvement due to the stimulation provided by the EDEV teaching methods.⁷⁶

445. However, EDEV has not been implemented in all schools, and though there is an EDEV module in the teacher-training curriculum, there are not enough EDEV inspired changes to the school curriculum and policies.

446. The Family Life Education (FLE) task force of the MFPA has been to provide sex education to children, in their school curriculum, from the primary school level and above. In 2000, 52 primary school teachers were trained in "Adolescent and Youth Sexuality" and "FLE Approaches", and 1,875 students from 16 primary schools were provided with a total of 70 sex

education sessions.⁷⁷ 24 sex education sessions were held for 2,500 students in 7 secondary schools, and essay and quiz competitions about family planning and sexual and reproductive health were held in secondary schools, and the winners entries were publicised in the mass media. 250 secondary school and university students participated in the July 2000, “National Conference on Sexual and Reproductive Health Challenges and Socio-Economic Development”.⁷⁸

447. FLE programmes were provided to 170 primary and 894 secondary school children in Rodrigues, and 10 sex education sessions were organised for 560 children who had dropped-out of school.⁷⁹

448. The MFPA and IVTB conducted 10 FLE sessions for 500 children who had dropped-out of formal education.⁸⁰

449. In 2000, 4 educational sessions were held to sensitise 200 parents on children’s needs, and the “Youth Sexual and Reproductive Health Programme”.⁸¹

450. On 8th May 2000, a conference on “Adolescent Sexuality” was organised by the MFPA, for 400 school children in the Vacoas/Phoenix area, and the conference was broadcast on TV many times.

451. 3rd April 2000, saw over 2,000 school children promoting “Youth Sexuality and AIDS Awareness”, organised by the MFPA, and the Ministry of Education, and on 1st December 2000, World AIDS day was celebrated by over 500 children, women and men.⁸²

Article 29

Aims of education

452. Reference is made to Section IV.

453. The EDEV programme has been implemented in all primary schools to consolidate national unity. It comprises participatory activities on the concept of interdependence, images and perception, change and the future, social justice, conflict and conflict resolution.

454. Through activities on social justice, children learn about the many ways in which human rights can either be denied or promoted. They are made to understand how these rights can apply to one's own life. Children are also made aware of the different inequalities that exist in every society. Skills for resolving conflict peacefully are acquired through activities in relation to conflict and conflict resolution.

455. School textbooks for Standard III curriculum have been revised to incorporate the concept of peace, tolerance, understanding and dialogue.⁸³

456. In the lower primary education, there will be a promotion of the moral, social and cultural development of the pupils while also seeking to foster feeling of respect and confidence for self and others. In upper primary education, teaching for citizenship will also comprise key themes such as tolerances, respect for cultural differences, conflict resolution, concern for the environment, peace, national unity amongst other essential competencies of citizenship.

Article 31

Leisure, recreation and cultural activities

457. Reference is made to the initial report of the Republic of Mauritius, paragraphs 120 to 125.

458. In line with Article 31, along with songs, poetry recital and dances which are usually taught in certain pre-primary schools, story telling pertaining to different cultures, drama and music should be imparted at pre-primary level.

The budget

459. None of the Ministries concerned has a special budget for children or for leisure recreation and cultural activities for children. Each Ministry is presented with its budget which is then allocated as necessary.

Early developmental programmes

460. Reference is made to Section VI.

Systems of non-formal education

461. Reference is made to paragraphs 427, 436 and 454 in this Section.

Exclusion of children

462. The exclusion of children is not an issue in Mauritius although there are specific cases where children are not given their rightful place in Society for example:

(a) Disabled children who are not provided the necessary assistance through the a family's lack of resources or reluctance to ask for assistance on account of the stigma attached to physical and mental disability; or

(b) Children who are victims of discriminatory attitudes in specific circumstances. Reference is made to Section IV, paragraph 32.

IX. SPECIAL PROTECTION MEASURES

Article 22

Children in situations of emergency

Refugee children

463. Reference is made to the initial report of the Republic of Mauritius, paragraph 127.

464. There is no legislation with regard to the appropriate protection and humanitarian assistance of refugee children.

465. There are no specific laws concerning the disseminating information about the rights of refugee children as there are no refugee children, the question of training of official does not arise.
466. There are no refugee children in Mauritius at present.
467. There is no legislation pursuant to Article 22(2) of the Convention, though all actions that are taken must be in the best interests of the child.
468. There is no specific legislation regarding protecting refugee children permanently or temporarily deprived of their parents and family environment, though the legislation that is used to protect children, including abandoned, or orphaned children maybe used in such instances.
469. There are at present no mechanisms in Mauritius to provide services to refugee children. The Government will take measures so as to be ready to provide the necessary protection for such children if, and when necessary.

Articles 38 and 39

Children in armed conflicts, including physical and psychological recovery and social integration

470. Article 38 of the Convention does not apply, as Mauritius does not have an armed force, and has not been at war.

Article 40

Children involved with the system of administration of juvenile justice

The administration of juvenile justice

471. Reference is made to the initial report of the Republic of Mauritius, paragraphs 128 to 145.
472. Section 10(2)(b) of the Mauritian Constitution provides for persons charged with a criminal offence to “be informed as soon as reasonably practicable, in a language that he understands and, in detail, of the nature of the offence”. Article 40(2)(b)(ii) of the Convention provides for persons charged with a criminal offence to “be informed promptly and directly of the charges against him...”. The word “promptly” is not synonymous with “immediately” but means “without undue delay”. Therefore our Constitution is in conformity with the Convention. The Legal Aid Act has been amended by Act 15/98, to provide legal aid to a minor charged with a crime or misdemeanour.
473. Pursuant to Article 40(2)(b)(iv) of the Convention, Section 10(7) of the Constitution provides that no person be compelled to give evidence at his trial, though under Section 11(5)(e) of the Juvenile Offenders Act, the Court “may” put to the juvenile such questions.

474. Section 10(2)(e) of the Constitution provides both that the child has a right not to have adverse witnesses examined against him; and that no person “be compelled to confess to guilt”. An amendment of the Juvenile Offenders Act in 1998 made it compulsory that no statement was to be recorded in the absence of the child’s parent.

475. Pursuant to Article 40(2)(b)(v) of the Convention, Section 23 of the Juvenile Offenders Act and the Section 92 of the District and Intermediate Courts (Criminal Jurisdiction) ensures the right of appeal, and the “right to challenge any measure” brought against the child. However, the Legal Aid Act will have to be amended to ensure that the child has the right to continued legal assistance for his appeal or challenge, pursuant to Article 40(2)(b)(ii) of the Convention.

476. Section 7(1)(b) of the Juvenile Offenders Act, which deal with privacy of the child, contravene Article 40(2)(b)(vii) of the Convention, by providing many exceptions to the rule that the child is to have her “privacy fully respected at all stages of the proceedings.” Moreover, Section 10(10) of the Constitution states that even if persons are to be excluded from court, (with reference to the present report, Section 1, paragraph 66, Section 161A of the Courts Act empowers the judge or magistrate to exclude persons from the proceedings), the decision of the court must be made in public. The Constitution and other relevant law must be amended so that all court decisions pertinent to the child may not be released to the public domain, and that extremely severe sanctions are imposed on any person(s) who breaks this law.

477. There is no provision in Mauritian legislation for “the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law” as provided for by Article 40(3)(a) of the Convention. Section 44 of the Criminal Code states that children under the age of 14, who, according to the court, may not be capable of discernment, may be acquitted. In certain circumstances, they may be placed on probation, or sent to a correctional institution for a period of time determined by the court, which period shall not exceed the child’s 18th year.

478. Section 45 of the Criminal Code states that children under the age of 14 years, who are capable of discernment, can be placed in a correctional institution for a period of time determined by the court. Both Sections are clearly in contravention of Article 40(3)(a) of the Convention and the Constitution, which guarantees the right of a fair trial – which cannot be said to take place if the child in question is not capable of discernment. Not only must Sections 44 and 45 of the Criminal Code be repealed, the Constitution must clearly fix an age limit below which a child cannot be liable for prosecution, and the law must also protect children above such age limit, who are incapable of discernment, from prosecution. However, under Section 15 of the Juvenile Offenders Act, “A child shall not be ordered to be imprisoned or sentenced to penal servitude for any offence in default of payment of a fine”.

479. Similarly Section 10(1) of the Constitution does not comply fully with the provisions of Article 40(2)(b)(iii) of the Convention, in that it only provides for a hearing “within a reasonable time”, and not “to have the matter determined *without delay*...” Though the phrase “without delay” is vague, the only way in which the legal system might be able to conduct hearings within a 6 month time period, as ventured by the consultants of the report on Juvenile Justice Administration in Mauritius, May 2000, is if:

- (a) A new Juvenile Justice Act is created to replace the Juvenile Offenders Act;

- (b) A Juvenile Court or courts are created and have jurisdiction over all such cases;
- (c) Such courts have magistrates and legal counsel who deals only with such cases;
- (d) Such courts have access to experts on child psychology and child development;
- (e) Such courts have the necessary funding and resources;
- (f) Such courts are assisted by the Director of Public Prosecutions who has exact guidelines to determine which cases can be summarily dismissed, and where warnings and probation can be applied, and so only forward those cases which must be dealt with by the Juvenile Court(s);
- (g) Preventative measures are practised, in that more, or more efficient children's programs are implemented to reduce the number of juvenile delinquents.

480. Though Section 72(6) of the Constitution allows the Director of Public Prosecutions leeway in deciding which cases to prosecute, the conditions set in Article 40(3)(b) of the Convention have not been met. The law should be amended so that children below a fixed age are not liable to prosecution, as are children above such age limit who are incapable of discernment. With regard to those children above the age limit for prosecution and capable of discernment, the Director of Prosecutions should only proceed to the hearing if he has explored all other possibilities such as a warning, or probation.

481. Pursuant to Article 40(4) of the Convention, Mauritian law provides for the "care, guidance ... supervision ... counselling; probation; foster care; educational and vocational training programmes..." for children. However, the levels of service and care are not satisfactory. To "ensure that children are dealt with in a manner appropriate to their wellbeing and proportionate to both their circumstances and the offence". Measures referred to at paragraph 16 above should be implemented, further there is an urgent need to:

- (a) Recruit teachers qualified in remedial education for children in institutions as the majority of these children are illiterate;
- (b) Recruit more qualified child psychologist and social workers to work in these institutions;
- (c) Pursuant to article 39 of the Convention, changing the gender specific programmes offered to children from needlework, cookery and arts and crafts, to offering them a basic computing background, training in the hospitality/tourism industry, the textile industry and other sectors where jobs are available. When they do emerge from the institution, they have some, if not many of the skills and self-confidence required to succeed in society.

482. The total number of minor offenders placed on probation over the past years is as follows:

| Year | Boys | Girls |
|------|------|-------|
| 1996 | 166 | 11 |
| 1997 | 165 | 8 |
| 1998 | 115 | 15 |
| 1999 | 135 | 16 |

483. The Probation and After Care Service, (PACS), work within the court setting, and furnishes reports to:

- (a) The Supreme Court;
- (b) The Intermediate and District Courts.

484. All children attend a day school run by teachers seconded from the Ministry of Education. However, few, if any of these teachers have specialised skills in remedial education.

485. Juvenile offenders are kept in special institutions, and are allowed to correspond with their families, and receive family visits. A Welfare Officer maintains contact between them, and deals with their problems. The children may voice their complaints to the officer in charge and to a board of complaints established by law.

Table 29

The number of children in detention in youth rehabilitation centres⁸⁴

| Sentence | 1996 | | 1997 | | 1998 | | 1999 | |
|--------------------|------|-------|------|-------|------|-------|------|-------|
| | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls |
| One year | 1 | | | | | 2 | 1 | |
| Two years | 8 | 6 | 2 | 10 | 6 | 5 | 3 | 5 |
| Three years | | 1 | 5 | 3 | 1 | 1 | | |
| Until 18 years | 5 | 7 | 4 | 16 | 7 | 9 | 1 | 4 |
| Discretion of O/IC | 1 | 2 | | | | | | |
| Total | 15 | 16 | 11 | 29 | 14 | 17 | 5 | 9 |

486. Juvenile justice raises fundamental legal and ethical issues concerning:

- (a) The punishment inflicted on children;
- (b) The child's deprivation of liberty;
- (c) The treatment given to children in rehabilitation and correctional centres; and
- (d) The reintegration of children to society.

487. In the light of the comments made by the Committee on the Rights of the Child at the presentation of the initial report in 1996, the MWRCDFW with UNICEF assistance commissioned a study on juvenile justice administration in 1998. The terms of reference of the study were to:

- (a) Study to what extent the Convention and other UN standards are applied and identify any incompatibility in the present situation;
- (b) Study the provision of laws in Mauritius concerning children in conflict with the law;
- (c) Study the activities providing support to children deprived of liberty;
- (d) Assess the conditions of detention, the manner in which the police treat children in detention, the educational facilities provided, and training for children in correctional institutions;
- (e) Make a complete assessment of the training opportunities offered to persons dealing with children, including child psychology, child welfare and international standards, and the rights of the child;
- (f) Assess the measures taken to prevent further child delinquency, and the dissemination of information concerning juvenile justice;
- (g) Make recommendations for measures to be taken to improve the administration of juvenile justice, which includes the infrastructure, services and training facilities for personnel dealing with children.

488. The government approved the implementation of the recommendations.

489. The main recommendations of the report are that:

- (a) The Constitution should be amended to ensure that all decisions in juvenile cases are made in closed session to protect the child's privacy;
- (b) The Juvenile Offenders Act should be revised and replaced by a Juvenile Justice Act;
- (c) The Bail legislation should be amended to ensure that its strict provisions do not apply to children;
- (d) The Child Protection Act should be amended to make it the duty of *any* person aware of child abuse, to report the matter to the relevant authorities or directly to the Permanent Secretary of the MWRCDFW;
- (e) The provisions of the Juvenile Offenders Act which allow parents to apply for an order for the child's continued detention on the ground that the child is uncontrollable, to be repealed;

- (f) The Interpretation and General Clauses Act should be amended by deleting the word “unmarried” in the definition of “child” and “minor”;
- (g) A Central Juvenile Court, presided by a Senior Magistrate and with staff who have specialised training in matters relating to the administration of juvenile justice should be set up;
- (h) The Director of Public Prosecutions should be given the power to offer the child a probation sentence in lieu of a court appearance, in conformity with Article 37(b) of the Convention;
- (i) The Legal Aid Act should be amended to provide that any child who is arrested be assisted by a counsel from the moment that he is arrested, and for a child who wishes to appeal against his conviction or sentence to benefit automatically from legal aid;
- (j) The provision of the Prisons Regulations which allow the censoring and banning of communications to and from a detainee, to be repealed;
- (k) The Rehabilitation Youth Centre Regulations and the Reforms Institutions Regulations should be amended to bring them in line with the Convention on the Rights of the Child;
- (l) A detention centre for children should be set up in Rodrigues so that detained children do not have to be transferred to Mauritius and be isolated from their parents, and so that their families may visit them;
- (m) Children in correctional institutions should have more privacy, at present they sleep in dormitories and use communal toilet facilities;
- (n) As most children in correctional institutions require specialised attention, teachers qualified in remedial education must be provided;
- (o) Children in correctional institutions must have training in areas that are relevant to today’s labour market;
- (p) Children should not be jointly tried with adults, or held or transported with adults;
- (q) A persons juvenile record to be erased once he is 18 years of age, and not be forced to reveal his juvenile record;
- (r) The minimum period of detention should be left to the judge’s discretion, instead of the present minimum of 1 year;
- (s) Every child has the right of appeal to the Supreme Court;
- (t) Deprivation of liberty to be a measure of last resort;

(u) To ensure that every child who is prosecuted without delay, the Juvenile Offenders' Act should be amended to ensure that children are prosecuted within a six-month period should be prescribed.

490. In cases where children have been detained before being heard and sentenced, this period of time to be taken into account by the judge when passing sentence.

Article 37 (b)-(d)

Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

491. Reference is made to the initial report of the Republic of Mauritius, paragraphs 19 to 21, 40 and 128 to 144.

492. There have been concerns that children are transported to and from detention with adult prisoners, and that children have been jointly tried with adults, in violation of Article 37(c) of the Convention.

Article 37 (a)

The sentencing of children with particular reference to the prohibition of capital punishment and life imprisonment

493. Reference is made to the initial report of the Republic of Mauritius, paragraphs 19 to 21, 40 and 128 to 144.

494. Pursuant to the Sections contained in the Reforms Institutions Act, the officers do not carry weapons, and pursuant to Section 42 of such Act, the child will only be restrained to prevent his escape, and from doing injury to himself or others. Though it is not specified in the Act, means of restraint are applied as a measure of last resort.⁸⁵

Article 39

Physical and psychological recovery and social reintegration of the child

495. Reference is made to the initial report of the Republic of Mauritius, paragraphs 145 to 150.

Article 32

Children in situations of exploitation, including physical and psychological recovery and social reintegration

Economic exploitation of children, including child labour

496. Reference is made to the initial report of the Republic of Mauritius, paragraphs 6, 151 to 159.

497. The Ministry of Labour's inspection division is responsible for enforcing the law, and spends one day every fortnight, in detecting incidents of child labour. Whenever a child is found in illegal employment, the employer is required to discontinue such employment and is issued a written or oral warning, and criminal action is contemplated for persistent defaulters. The Ministry of Labour refers every case of child labour, to the MWRCDFW, which then conducts a social enquiry into the case, and helps place the child in an educational institution. Mass education and sensitisation campaigns are undertaken by the Ministry of Labour to increase awareness that child labour is illegal.

498. Over 349 cases of child labour involving 484 children were detected between 1990 and 2000, as illustrated in Table 37.1. In a few cases, when repeated warning was not sufficient, court action was initiated, with the employer(s) being fined. Child labour involving children between 12 to 14 years as a percentage of the total labour force stood at 0.60% in 1995 and 0.30% in 1999. As from July 1995, the Ministry of Labour and Industrial Relations begun conducting systematic inspections specifically searching for instances of child labour.

Table 30
Information on Child Labour Conducted from 1990–2000⁸⁶

| Year | Number of children found in employment | Number of inspections (systematic inspections as from 1995) |
|------|--|---|
| 1990 | 37 | N/A |
| 1991 | 25 | N/A |
| 1992 | 38 | N/A |
| 1993 | 18 | N/A |
| 1994 | 17 | N/A |
| 1995 | 169 | 2 415 |
| 1996 | 107 | 5 478 |
| 1997 | 22 | 3 932 |
| 1998 | 26 | 3 072 |
| 1999 | 9 | 2 201 |
| 2000 | 16 | 5 277 |

499. It is to be noted that the employment of children is casual and primarily in the informal sector, with street traders, and small businesses, in agriculture and in shops and restaurants. The children perform unskilled work and are generally not employed in harmful occupations, yet their employment means that they are denied the right to a childhood, that is play, leisure time, and to education.

500. The proposed eleven year schooling system and vocational training facilities will be further expanded, and will play a crucial role in keeping children, especially those who failed their CPE or SC, out of work, and in an educational or vocational institution.

501. Section III 4 (a) of the Labour Act restricts the employment of a young person to not more than 36 hours a week. However section 15(4)(b) allows an employer to employ a young person in a shop for a period not exceeding 48 hours a week. It is also noted that the government

has, after considering the Worst Forms of Child Labour Convention ratified the convention on 26 May 2000, and has undertaken, in accordance with Section 19(5)(d) of the Constitution of the International Labour Organisation, to faithfully observe all its provisions, and carry out all the obligations contained therein.

502. As regards work that is hazardous and harmful to the child's health, the existing Occupational Safety, Health and Welfare Act does not make provisions regarding employment of children who are under 15 years of age. However for children between 15 and 18 years of age, the Act makes the following provisions:

Section 28

- (1) No young person shall work at any machine specified in the Third Schedule, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and:
 - (a) Has received sufficient training in work at the machine; or
 - (b) Is under adequate supervision by a person who has a thorough knowledge and experience of the machine;
- (2) No young person shall be required to clean any part of any exposed him to risk of injury from any moving part of a machine.

503. Public awareness campaigns are conducted on a regular basis. Newly registered job contractors are requested not to enter into agreement with a child under the age of 15 years, and children between 15 and 18 years of age.

504. Child labour estimate for period 1990 to 2000 was as follows:

Table 31

Child Labour Estimates from 1990–2000⁸⁷

| Year | Total Labour Force | | | Number of children in employment (12-14 years) | | | Child labour as a percentage of the total labour force |
|---------------------|--------------------|---------|---------|--|--------|-------|--|
| | Male | Female | Total | Male | Female | Total | |
| 1990 | 301 400 | 130 900 | 432 300 | 3 700 | 1 100 | 4 800 | 1.11 |
| 1995 | 327 300 | 157 500 | 484 800 | 2 200 | 700 | 2 900 | 0.60 |
| 1996 | 330 300 | 162 500 | 492 800 | 1 900 | 700 | 2 600 | 0.53 |
| 1997 | 335 700 | 169 800 | 505 500 | 1 700 | 600 | 2 300 | 0.45 |
| 1998 | 340 500 | 176 500 | 517 000 | 1 500 | 500 | 2 000 | 0.39 |
| 1999 | 346 500 | 184 200 | 530 700 | 1 200 | 400 | 1 600 | 0.30 |
| 2000 (estimates) | 352 400 | 189 600 | 542 000 | 1 200 | 400 | 1 600 | 0.29 |

505. The figures show a decline in child labour as a result of increased educational opportunities, thorough and systematic inspection, and Governmental action, though a rapid increase of the labour market, due to industrialisation could equally account for the decrease. The following Acts were amended, and may have contributed to a decline in child labour:

(a) The Shops Act was amended in 1998 to provide that no child of an occupier shall be employed or allowed to serve customers where the child is below the age of 15 years. This amendment aims at preventing the casual or informal employment of children in family concerns. Such unpaid family labour is exploitative and inappropriate for children;

(b) The Pesticides Control Act was amended in 1998 to prohibit the employment of a person aged below 18 in the manufacture or processing of pesticide;

(c) The number of secondary schools has been increased thus offering more secondary school places;

(d) Basic secondary schools have been set up to accommodate children who fail the CPE;

(e) The IVTB offers a wide range of vocational courses;

(f) Children's clubs have been set up to provide children with meaningful leisure activities and to enable them to develop their skills;

(g) The MWRCDFW provides courses in crafts, home economics, food preservation and processing to school leavers mostly girls, to enable skills development and to encourage entrepreneurship;

(h) The Ministry of Youth and Sports is implementing a youth entrepreneurship development programme for young people;

(i) The government has set up a trust fund for vulnerable groups which provides funding for community projects, including vocational and literacy training centres for out of school children;

(j) New secondary schools are being constructed to increase student places.

506. Feedback obtained from Rodrigues indicates that there are a significant number of Rodriguan children in employment, and a study funded by UNICEF helped in creating a coherent strategy for Rodrigues.

Article 33

Drug abuse

507. Reference is made to the initial report of the Republic of Mauritius, paragraph 160.

508. In 1996, the National Trust for the Treatment and Rehabilitation of Substance Abusers, (NATRESA), was created by an Act of Parliament. There are five Treatment and Rehabilitation Centres in Mauritius and one in Rodrigues. Acute alcoholics are treated at regional and district hospitals, and a new Detoxification Centre is to be opened shortly.⁸⁸

Article 34

Sexual exploitation and sexual abuse

509. Reference is made to the initial report of the Republic of Mauritius, paragraphs 20, 161 to 164.

510. Child commercial sexual exploitation and abuse has been of special concern to the government. After the World Congress on Commercial Sexual Exploitation of Children, in 1997, a Study on the Commercial Sexual Exploitation of Children was conducted, and the results were obtained in 1998. A summary of its findings is at the Appendix []. The main findings were that:

- (a) There is no prostitution of pre-pubescent children, but there is prostitution among the young adolescent age group;
- (b) Most children become prostitutes at about 13 years of age;
- (c) There exists a high correlation between the incidence of sexual abuse or attempts at abuse by close relatives, mostly step fathers, and prostitution among young adolescents;
- (d) Domestic and social problems such as divorce or separation of parents, poverty, disequilibrium in the family, alcoholism and failure in education, resulting in a fatalistic outlook on life, lead them to prostitution;
- (e) Structured networks of prostitution attract young children who have left their homes, and take complete charge of them;
- (f) The child prostitutes clients consist of all categories of people.

511. The full report was released in the year 2000, and an action plan, a copy of which is at Appendix [] was prepared following consultations with NGOs. The actions taken with the support of NGOs and UNICEF and private sponsors are as follows:

- (a) A door to door counselling campaign was carried out over a period of two months on eight Sundays by the ministry's staff and volunteers from the region of port Louis reaching out to about 1,000 families;
- (b) A sensitisation campaign was conducted for young people on the dangers of unsafe sex, and of commercial sexual exploitation;
- (c) The NCC has conducted talks in schools, and with children;

(d) IEC materials have been produced in the form of posters, stickers and pamphlets and have been widely distributed, and samples are at Appendix [number];

(e) Child watch network groups have been set up in two regions as informal groups comprising social workers, officials, volunteers, NGOs. The main objective of the group is to ensure surveillance and early detection of children who are at risk;

(f) A Reproductive Health Education Programme, (RHEP), funded by UNFPA will be conducted in schools, the manuals are being prepared;

(g) A specific hotline for cases of sexual commercial exploitation of children has been set up, and is serviced by the NCC. There are also at least 6 other hotlines that deal with child abuse.

512. A survey on child sex tourism will be conducted to determine the extent of this problem. The report will help create a national sensitisation campaign, and national plan against sex tourism. The problems facing the government are a lack of qualified social workers in this field, and of creating alternatives to sex work for commercially sexual exploited children, and their families. Strong legal action must be taken against all those who commercially sexually exploit children, including against parents who allow their children to be abused in this manner. Police officers, especially those stationed at coastal areas, and tourist resorts, should be exceedingly alert for instances of such prostitution. Even staff of these resorts should be given some training to enable them to identify children at risk, and those abusing children. A training manual is being developed with the support of ECPAT to train social workers in the psychological and social rehabilitation of child victims. A Centre for rehabilitation of child victims will be set up, and shall train social workers to work with street children, and conduct activities for children vulnerable to exploitation and abuse. Police assistance has been obtained for the rapid intervention in suspected cases of child prostitution, and to conduct raids in places used for child prostitution.

Article 35

Sale, trafficking and abduction

513. Reference is made to the initial report of the Republic of Mauritius, paragraphs 6 and 64 to 73.

514. Mauritius adhered to the Hague Convention on the Civil Aspects of International Child Abduction on 1 October 1993. The Convention of the Civil Aspects of International Child Abduction Act was enacted in 2000. In line with Article 6 of the Convention on the Rights of the Child, the Act set up a Central Authority under the Hague Convention to discharge the duties imposed by the Hague Convention on the Civil Aspects of International Child Abduction. The main function of the Central Authority is to discover the location of children who have been unlawfully retained, and prevent further harm to the child, or prejudice to interested parties, and secure the voluntary return of the child, and an amicable solution to the issues. It provides that:

(a) The Central Authority should be the MWRCDFW;

(b) It may request the assistance of the Police, and Probation Officers to obtain information on the whereabouts and the social background of the child;

(c) The Ministry, as the Central Authority, may apply to the court to obtain the return of the child, and to secure the effective exercise of the right of access to the child;

(d) Any individual may apply to the court with a view to obtaining the return of a child, and for the purpose of securing effective exercise of the right of access to the child;

(e) The court may issue interim instructions pending the conclusion of a case to secure the welfare and protection of the child;

(f) If an individual makes a plea to the court, the court may declare that the removal of a child from or his retention outside Mauritius is wrong.

Article 36

Other forms of exploitation

515. Reference is made to the initial report of the Republic of Mauritius, paragraph 23.

Violence in entertainment and in the media

516. The depiction of violence in entertainment, and in the media has not yet been addressed in a coherent way. The Censorship Board has established a new classification system to provide information to parents on the advisability of allowing children to view certain films, but there are little control on films that children watch when the parents are not at home. Moreover, there are inadequate controls over video clubs that rent films.

The media's intrusion in children's privacy

517. There is no code of ethics that governs reports on children. In many cases, children who are victims of abuse are exposed in the press, and are made to relate their story in detail. This intrusion of privacy, causes prejudice to the child, and social and psychological problems. The law must be amended, and courts given power to impose heavy sanctions on those who violate the child's right to privacy. However, with reference to the present report, Section 1, paragraph 66, Section 161A of the Courts Act empowers the judge or magistrate to exclude persons from the proceedings inter alia to safeguard the welfare of persons from the proceedings.

Article 30

Children belonging to a minority or an indigenous group

518. Reference is made to the initial report of the Republic of Mauritius, paragraphs 19 to 21, 24, 35, 53 and 54.

519. Mauritius does not have an indigenous population, but it does have some minority ethnic populations.

Notes

- ¹ “Committee on the Rights of the Child: Mauritius” CRC/C/15/Add. 64, 13th session, 30th October 1996.
- ² “Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ³ “Concluding observations of the Committee on the Rights of the Child: Mauritius”, October 1996 CRC/C/15/Add. 64.
- ⁴ MWRCDFW, “Juvenile Justice Administration in Mauritius Report”, May 2000.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ “Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ⁸ APEIM, “Parent Mobilisation in Mauritius, Report 1994-1998. August 1998.
- ⁹ Information provided by the BDC, March 2001.
- ¹⁰ MFPA, “Mauritius Family Planning Association: Annual Report 2000.
- ¹¹ AF, “RADO Activity Proposal”, January 1999-December 2000.
- ¹² Ministry of Health, “Health Statistics Annual 1999”.
- ¹³ “Mauritius Country Report on Follow-UP on the World Summit for Children”, January 2001.
- ¹⁴ Information provided by the Ministry of Housing and Lands.
- ¹⁵ “Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ¹⁶ MWRCDFW, “National Gender Action Plan: End the Gap”, March 2000.
- ¹⁷ “Juvenile Justice Administration in Mauritius Report”, May 2000, p. 89.
- ¹⁸ MWRCDFW, “Juvenile Justice Administrative in Mauritius Report”, May 2000.
- ¹⁹ Statistics provided by the Statistics Section of the Ministry of Social Security, May 2001.
- ²⁰ Ibid.
- ²¹ Ibid.
- ²² “Mauritius Country Report on Follow-Up on World Summit for Children”, January 2001.
- ²³ “MFPA”, Mauritius Family Planning Association: Annual Report 2000.

- ²⁴ “Juvenile Justice Administrative in Mauritius Report”, May 2000.
- ²⁵ Ibid.
- ²⁶ “Mauritius Country Report on Follow-Up on World Summit for Children”, January 2001.
- ²⁷ MWRCDFW, “A Statistical Profile of Children in the Republic of Mauritius”, June 1999.
- ²⁸ Ministry of Social Security Report on “Disabled Children”.
- ²⁹ Ibid.
- ³⁰ Ibid.
- ³¹ Ibid.
- ³² Ministry of Health, “Task Force on Special Needs Education”, updated.
- ³³ Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ³⁴ MFPA, “Mauritius Family Planning Association: Annual Report 2000.
- ³⁵ Ibid.
- ³⁶ Ibid.
- ³⁷ Ibid.
- ³⁸ Ibid.
- ³⁹ Ibid.
- ⁴⁰ MAPBIN, “National Report on World Summit for Children: MAPBIN Proposals for Follow-Up Actions”.
- ⁴¹ Ibid.
- ⁴² Ministry of Health and Quality of Life, Health Statistics Annual 1999.
- ⁴³ MoH, “Family Planning and Demographic Year Book 1999”.
- ⁴⁴ MoH Health Statistics Annual 1999.
- ⁴⁵ MAPBIN, “National Report on World Summit for Children: MAPBIN Proposals for Follow-Up Actions”.
- ⁴⁶ 2000 Housing and Population census.

- ⁴⁷ “Mauritius Country Report on Follow Up on World Summit for Children”, January 2001.
- ⁴⁸ MoH, “Health Statistic Annual 1999”.
- ⁴⁹ MoH, “Family Planning and Demographic Yearbook 1999”.
- ⁵⁰ Ibid.
- ⁵¹ Ibid.
- ⁵² Ibid.
- ⁵³ Ibid.
- ⁵⁴ Ibid.
- ⁵⁵ “Mauritius, Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ⁵⁶ MFPA, “Mauritius Family Planning Association: Annual Report 2000”.
- ⁵⁷ A Position Paper in HIV/AIDs in Mauritius, in the context of African Development Forum December 2000. Addis Ababa Ethiopia.
- ⁵⁸ “Mauritius Country Report on follow up on the World Summit for Children” January 2001.
- ⁵⁹ Ibid.
- ⁶⁰ Data provided by the Ministry of Education and Scientific Research.
- ⁶¹ “Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ⁶² Ibid.
- ⁶³ Data provided by the Ministry of Education and Scientific Research.
- ⁶⁴ “Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ⁶⁵ The data is outdated, though the qualitative findings are useful.
- ⁶⁶ Data provided by the Ministry of Education and Scientific Research.
- ⁶⁷ Ibid.
- ⁶⁸ Ibid.
- ⁶⁹ Ibid.
- ⁷⁰ Digest of Educational Statistics 2000.

- ⁷¹ Data provided by the Ministry of Education and Scientific Research.
- ⁷² UNICEF, “Education for Development: The Mauritian Experience”, 2001.
- ⁷³ Ibid.
- ⁷⁴ Ibid.
- ⁷⁵ Ibid.
- ⁷⁶ Ibid.
- ⁷⁷ Ibid.
- ⁷⁸ Ibid.
- ⁷⁹ Ibid.
- ⁸⁰ Ibid.
- ⁸¹ Ibid.
- ⁸² Ibid.
- ⁸³ “Mauritius Country Report on Follow-Up on the World Summit for Children”, January 2001.
- ⁸⁴ Ministry of Reform Institutions.
- ⁸⁵ MWRCDFW, “Juvenile Justice Administration in Mauritius Report”, May 2000.
- ⁸⁶ Data provided by inspections carried out by the Ministry of Labour and Industrial Relations.
- ⁸⁷ Central Statistics Office, Digest of Labour Statistics 2000.
- ⁸⁸ UN, “United Nations Development for Assistance Framework (UNDAF) (2001–2003) Mauritius”
