



DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL DNI
DEFENSE DES ENFANTS INTERNATIONALE DEI
DEFENCE FOR CHILDREN INTERNATIONAL DCI

Defence for Children International - Mauritius

Questionnaire for the Universal Periodic Review

This questionnaire has been filled by Defence for Children International – Mauritius with the help of partner organisations in Mauritius namely Halley Movement, and Internet Child Safety Foundation.

Defence for Children International – Mauritius advocates for children’s Rights in Mauritius. DCI-Mauritius scrutinises the work of the Ministry and where appropriate makes statement in that respect. DCI-Mauritius has been running an online counselling service together with its partner organisation Halley Movement since last year. Halley Movement has been working in the field of child protection since 1989. The main purpose of the online counselling is for children to have a place to express their opinion, and thoughts in anonymity and confidentiality. The online counselling service has also allowed us to understand the behaviour of children and to register breach of the Convention Rights.

1. Are the Convention on the Rights of the Child and the two protocols (namely the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of Children in Armed Conflict) ratified by your country? Are they practically implemented into national legislation? Are they implemented on the ground? Can you develop in few lines?

Mauritius acceded to the CRC on 26 July 1990, and it came into force on 2 September 1990. In the same vein, amendment to article 43(2) of the Convention on the Rights of the Child was acceded to on 25 August 1999.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was signed by Mauritius on 11 November 2001 as well as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

The National Children’s Council (NCC) is mandated under the National Children’s Council Act to promote activities for the welfare of children in line with the Convention on the Rights of the Child. However, there is no dividing line between activities of the National Children’s Council and that of the Child Development Unit, the specialized agency under the Ministry to look after the welfare of children. Little is known about the work of the NCC in terms of its work, policies, strategies and recommendations made to the government.

The Child Protection Act, the national legislation, contains some of the Rights under the CRC and the two protocols have not been implemented yet. However, ‘Cabinet has agreed to the ratification of the

Defence for Children International – Mauritius
Room 501, 43 Excellence House, Savanne Road, Nouvelle France, Mauritius.
Tel: +230 677 0466. Fax: +230 677-8544 .

Helpline    info@dcimauritius.org www.dcimauritius.org

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.' [Cabinet decision of 6 May 2011]

3. Did some progress/changes happen since the last review of your country?

The Government signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. However, same has not been acceded/ratified yet. Some of the progress that were meant to be made and with its status are as follows:

- Finalize and adopt the Sexual Offences Bill currently under consideration
The Government proclaimed the Sexual Offences (Miscellaneous) Act and this Act relates to procedure, sentence and composition of the bench in cases of sexual offences such as rape, attempt upon chastity
- Continue its impressive efforts towards realization of children rights, and in this context share its experiences on the work of the Ombudsperson for Children

The Government seems to be willing to work towards realisation of children rights, at least this is what we can gather from the Minister's discourse but in practice, there is a lot to be done. There are offices of the Child Development Unit across the country but when our organisation contacts them, they are either unavailable or taken up in court proceedings. In addition, the hotline operated by the Ministry seems not to work during week-end, at a time when children use the service the most.

Although there is a structure in place, resources are being spent on the infrastructure; the number of violence against children is still on the rise. In 2011, the Child Development Unit, the agency under the Ministry which looks after the welfare of children in Mauritius, has registered 5981 problems. However, for the period January to May 2012 only, 4180 problems have been registered. DCI-Mauritius and Halley Movement have requested for official data for the year 2012 but we are still waiting since a couple of months already.

There is a pressing need to educate Children of their Rights and responsibilities. Although human rights education as a whole is being conducted in some Citizens Advice Bureaux, no similar education is being offered to children and of the few services available to them.

- Make all possible efforts to eradicate all forms of violence, all form of abuse against children and eliminate completely police brutality

Violence at school is becoming a common problem. We have received complaints from students, and teachers about problems they face at school. Either the children are aggressive to their friends or to the teachers. From the information we have at hands, the problem is about communication. Children need to be aware of their Rights and that of their responsibilities. We have requested for the Ministry of Education to allow the organisation to conduct advocacy session in schools in attempt to allow the children to express their thoughts and help to stall the violence in school, however, we are still waiting for their permission for more than one year.

4. What kind of violations of the rights of the child are you confronted to? (eg juvenile justice, sexual exploitation, child labour, child soldiers, street children...)?

Defence for Children International – Mauritius together with its partner, the Halley Movement is running a helpline and a counselling service. Through the helpline, children are able to report violations of the Rights under the Convention and national laws.

Violence against children is taking new forms and are committed not only by close relatives but also by strangers and by their peers. We are faced with domestic violence where parents inflict harm against their children and this has caused the children to be stigmatised and call for help over time. For instance, on one occasion we received a call from a young girl whose dad threatened to kill his mum several times using a kitchen knife and this in presence of the girl.

Violence inflicted by peers or neighbours

The perpetrators of violence against children are not limited to the family surroundings only. They are friends, neighbours or strangers. In one instance, a mom reported a problem where his child –a boy – was harassed and victim of an act of violence by his neighbour and this constituted in the neighbour pulling out the hair of the young boy. This has caused substantial hair loss and psychologically affected the boy. The reason for such act by the neighbour was that the boy while playing football threw the ball at him. Other cases of violence happen at bus station after school where young boy are pushed, ill treated, assaulted or abused by the elders often going to the same school. Sometimes, they make use of traditional weapons.

Internet based violence

Since the starting up of the Helpline, we have been receiving lots of complaints from children regarding Facebook. For example, the complaints relate to the taking of pictures of girlfriends by boyfriends and ultimately using the pictures to blackmail them. However, the consequences are alarming as it causes parents to be at cross with children, the victim are further under attack by their peers, psychologically they are affected and often absent themselves from school to prevent further stigmatisation.

Children with conflict with the law

Few cases of children with conflict with the law are reported as compared to when children are victims. However, the few cases reported to us have shown that they relate to drugs related cases, damaging property and violence against their parents. However, the matter has been reported equally to the Police for action.

5. Please indicate the main issues concerning the rights of the child in your country.

Collaborate with the government in your everyday work? Can you develop in few lines?

The main issue concerning the rights of the child in Mauritius is about the approach of the Ministry regarding involvement with civil society at all levels. First, there is a lack of communication from the government regarding its policies and strategies with respect to children's welfare. In addition, the

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Ministry dealing with children's welfare does not welcome avant-gardism policies and projects that cater the welfare of children in this modern age of technology. There is a strong perception that civil society organisations must be politically motivated to be able to benefit from support from the government irrespective of the worth of their project. One concrete instance is the project of an online helpline/counselling for children in Mauritius. The idea of the helpline is first and foremost to allow children to exercise their right to expression as set out in the CRC in utmost confidentiality and anonymity. The idea was presented to the Government but the latter declines to lend its support because of some technicalities for example, counselling cannot be provided using the internet. The approach of the Ministry kills avant gardism project and at the same time hinders services that can be easily available to children at a low cost and rapidly especially in times of distress.

6. Do Public authorities (police, judges ...) social workers and educators or any other actor that may work with children act in conformity to the dignity of the child?

The Police and the Judiciary do work in conformity with the dignity of the children. The Judge of the family division will often listen to the child before making a decision and the Police will always ensure that the child is represented by his parents or legal guardian.

7. Can you give us examples of good practices in children's rights in your country?

There is no good practice in children's rights. The system in place is not working despite that we have laws, and logistics and infrastructural facilities. We have more shelters for children and we have a police for the children but all of this does not help to eradicate the problem of violence against children. Instead it encourages more abandoned children and less responsible children. The government needs to work in a more practical way to ensure that the Rights of children are respected and complied with.

8. Are there any recommendations you would like to make your Government?

To work more closely with civil society organisations and to realise that the actual system of child protection is obsolete and needs to work towards strategies that take into consideration the way children are behaving.