Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Mauritius - 4th Session - 2009
Tuesday 10th February, 2.30pm to 5.30pm

National Report

17. The Ministry of Women’s Rights, Child Development and Family Welfare set up a Family Welfare and Protection Unit in July 2003, the main aims of which are to implement appropriate policies and strategies to promote family welfare and combat domestic violence. The Unit has a network of 6 Regional Offices known as Family Support Bureaux where the following services are provided, free of charge, to families and children in distress: psychological and legal counselling; assistance to adult victims of domestic violence; assistance to children who are victims of abuse; and individual, couple and mass counseling on all family-related problems. Hotlines are also operational on a 24-hour basis to cater for family-related problems and officers intervene promptly to provide assistance to victims.

18. Conscious of the need to address the issue of domestic violence in a comprehensive manner, the Ministry of Women’s Rights, Child Development and Family Welfare has adopted a broad framework to respond to domestic violence, focusing on prevention (campaigns, regular talks and activities are organized in different regions falling under the purview of the Family Support Bureaux to sensitize the public at large on issues pertaining to domestic violence), innovative projects (including Zero Tolerance Clubs, Anger Management Programmes and ‘Men as Partners’ Programmes), capacity building (through training of service-providers, including medical practitioners, magistrates and police officers, to improve responses to cases of domestic violence) and forging social coalitions between Ministries, non-governmental organizations and community-based organizations (a Partnership against Family Violence Committee has been set up to provide a coordinated approach to combat domestic violence).

39. The office of the Ombudsperson for Children was established under the Ombudsperson for Children Act 2003. The objective of the office is to ensure that the rights, needs and interests of the children are given full consideration by public bodies, private authorities, individuals and associations for individuals, to promote the rights and best interests of children, to promote compliance with the Convention on the Rights of the Child.

40. The Ombudsperson for Children has the role of an advocate for children’s rights, advises the Minister and other public bodies and institutions on matters relating to promotion and protection of children’s rights and carries out such investigations as she may decide, on complaints relating to the rights of the child.


62. The Child Protection Act was enacted in 1994 to ensure protection of children from all forms of abuse. The word “harm” includes physical, sexual, psychological, emotional or moral injury, neglect, and ill-treatment, impairment of health or development. The Act provides for the issue of an emergency protection order by the Magistrate where it is reasonably believed that a child is suffering or likely to suffer significant harm.

63. Corporal punishment is prohibited in schools by virtue of regulation 13 (4) of the Education Regulations, section 13 (1) of the Child
necessary measures to limit the de facto use of deprivation of liberty and ensure that it is genuinely used only as a last resort; and

acceptable level; increase availability and accessibility of alternative measures for child offenders using probation services; take all

30. CRC remained concerned about the lack of a clear legal provision for the minimum age of criminal responsibility, the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty.67 It recommended that Mauritius ensure the full implementation of juvenile justice standards; establish by law a minimum age of criminal responsibility set at an internationally acceptable level; increase availability and accessibility of alternative measures for child offenders using probation services; take all necessary measures to limit the de facto use of deprivation of liberty and ensure that it is genuinely used only as a last resort; and
regularly conduct training programmes for all professionals working in juvenile justice.

36. CRC noted with concern that few institutions undertake a regular review of children under their placement and that psychological review is only taken when it is evident that the child’s behaviour has changed. It recommended that Mauritius adopt a comprehensive mechanism of periodic review of children placed in institutions.

37. CRC recommended legislative measures to ensure that in cases of adoption the decision of the judge is supported by relevant information regarding both the child and the adopting parents in order for the adoption to be in the best interests of the child.

49. CRC recommended that Mauritius strengthen its efforts to ensure access to reproductive health services for all adolescents; incorporate reproductive health education in the school curriculum; conduct awareness-raising campaigns among adolescents about reproductive health rights and the prevention of sexually transmissible diseases, HIV/AIDS, and early pregnancies; and provide particular support to pregnant teenagers, including through community structures and social security benefits, and ensure their completion of education.

53. CRC acknowledged the remarkable improvement in the field of education, and recommended that the proposed reforms secure access to free and compulsory secondary education for all children regardless of their social status and ethnic background. It also welcomed the introduction of the Zone d’éducation prioritaire (ZEP) as an affirmative action measure to reduce disparities in education. The ILO Committee of Experts, also noting the ZEP programme, indicated that 90 per cent of children aged 12 to 15 are in schools and that Mauritius was expecting to achieve a school enrolment rate of 100 per cent by 2006.

56. CRC, while noting progress, remained concerned about the low proportion of children with disabilities attending schools, particularly due to the poor accessibility to schools mostly located in the urban areas; and about the reluctance of schools to admit children with disabilities. The Constitution does not provide for protection from discrimination on the ground of disability. It recommended that Mauritius further encourage the integration of children with disabilities into the regular educational system and their fullest possible social integration.

64. CRC recommended that Mauritius seek further technical assistance and cooperation for the creation of more effective specialized institutions, including day-care centres, and for the training of parents and professional staff working with and for children.

**Stakeholder Compilation**

26. According to SAFIRE many children are sent to the Rehabilitation Youth Centre (RYC) and Correctional Youth Centre (CYC), suggesting the decriminalization of certain ‘offences’ committed by minors to reduce the number of incarcerated children and channel them toward truly rehabilitative alternative care institutions. SAFIRE recommended that the Ministries of Youth and Sports, of Social Security and of Women's Rights and Child Development support the establishment of Drop-in-Centres / Day Care Centres for educational, recreational and counselling purposes to children and their relatives with a view to reintegrating children, and provide housing support to families and training of relevant personnel.

35. SAFIRE referred to the situation of street and socially marginalized children, highlighting the absence of State-led rehabilitation initiatives since 2006; the lack of long term rehabilitation programmes for teenage mothers, as well as for children using illicit and harmful substances. SAFIRE also indicated that there is an urgent need for more regular and systematic teenage pregnancy prevention campaigns.

36. Although education is free, one third of children do not pass the Primary School Leaving Certificate examinations, as indicated by the NHRC which highlights language problems as a possible reason for such situation. English and French are used as media of instruction whereas most people speak Creole. The NHRC recommended that in the early years of schooling Creole should also be used as a medium of instruction to help children who are at a disadvantage.

37. The NHRC considered that a culture of human rights should be encouraged from an early age by the introduction of human rights education in schools.

**Final Report**

6. Strong and independent institutions exist to guarantee the rights of the citizens, such as the National Human Rights Commission (which includes the Sex Discrimination Division), the Ombudsman and the Ombudsperson for Children. The National Human Rights Commission (NHRC) has had accreditation “Status A” since 2002.

16. As for the question on measures available to protect the rights of detainees' children and registration procedures available to ascertain caring responsibilities of detainees, the delegation said that the law provides that the infant children of female detainees may be taken care of in a reform institution at public expense until the age of five. The children will be provided with health care and specialized medical care, when required, and may attend a pre-primary school in the community as from the age of 3. Social aid may, if required, be provided to the child. If the child is left without parental supervision, he or she is referred to the Child Development Unit of the Ministry of Women's Rights, Child Development and Family Welfare.

17. With respect to the human rights training provided to law enforcement and judicial officers with regard to the protection of human rights of women, children and persons of minority sexual orientation or gender identity, the delegation replied that the Police and Prisons Departments offer training and refresher courses on human rights and other subjects. It is expected that the Equal Opportunities Division of the NHRC, once set up, will conduct educational and other programmes to eliminate discrimination on grounds of status, including sexual orientation. Relevant technical assistance from other States or organizations would be appreciated.
28. Algeria recommended Mauritius to: (a) consider the possibility of proceeding with ratifying the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography (OP-CRC-SC); (b) finalize and implement the National Action Plan on Human Rights, as referred to in paragraphs 80 and 81 of the national report; (c) step up its efforts to complete the reform of its judicial system, and if necessary to request technical assistance from the Office of the High Commissioner for Human Rights (OHCHR) in this regard; (d) present to Parliament, as soon as possible, the Police Complaints Bill which is being prepared, and direct particular attention to increasing the awareness of police agents with respect to human rights principles.

36. Philippines considered the National Gender Policy Framework as a best practice and congratulated Mauritius on the enactment of the Protection from Domestic Violence Act. It asked for more information about the activities of the Office of the Ombudsperson for Children, and the Government’s assessment of its work. It recommended to Mauritius to: (a) to continue to enhance efforts to protect the human rights of migrants; (b) take into account the human rights dimensions of human trafficking, and in particular the need to protect and provide assistance to victims, in the drafting of legislation to combat human trafficking.

37. Botswana noted that Mauritius has set up a very firm and enviable institutional foundation for the realization of human rights that have continually been reinforced by a very cohesive legislative reform in the different sectors over the years. Botswana recommended to Mauritius to: (a) within the context of its National Gender Policy Framework of 2008 and other mechanisms, to continue to apply a gender perspective in its policies and programs, including in the follow up on the results of the current review. It also recommended to Mauritius to: (b) to continue to make sure that all children receive their right to education, and in this context, to share its experiences on the work of the Ombudsperson for Children.

41. Malaysia noted the Government’s efforts to eradicate poverty and the success achieved, and in this regard it asked if there are other measures planned to further increase the level of income of the people. Malaysia encouraged Mauritius to continue with these positive efforts and share its experience in this area with other countries. Malaysia recommended to Mauritius to: (a) make more strenuous effort to address the issue of violence against women including through intensifying public awareness campaigns and strengthening violence prevention measures. It also recommended to Mauritius to: (b) strengthen the existing National Plan of Action on the Protection of Children, in particular on its policies in the prevention, recovery and reintegration of children victims of sexual exploitation.

3. With regard to combating trafficking in persons, Mauritius has amended the Child Protection Act in 2005 to introduce the offences of child trafficking, abandonment and abduction, with tough penalties. In 2007, a National Parental Empowerment Programme was launched to provide guidance to parents. A Community Child Protection Programme was launched and a residential drop-in centre was constructed to rehabilitate victims of commercial sexual exploitation. Closer collaboration had been established between the “Brigade de Protection des Mineurs” and the Ministry of Child Development and Family Welfare, and awareness-raising campaigns are carried out regularly in schools and through radio and television. A committee of the Ministry of Tourism addresses problems of child prostitution in the tourism sector. Officials are trained in combating trafficking in persons, and police services include a 24-hour hotline.

63. While referring to the different structures and institutions set up by Mauritius for the promotion and protection of human rights, as noted in the report, Burkina Faso recommended to Mauritius to give to the Office of the Ombudsperson for Children the necessary resources to carry out its tasks so as to ensure its effective realization of the rights of children. Burkina Faso asked for additional information on the functioning of the Committee for the Elimination of Extreme Poverty as well as on specific activities it undertakes and encouraged Mauritius to follow-up on its commitment to eliminate extreme poverty. The delegation encouraged Mauritius to take specific measures to support the enjoyment of the rights and dignity of migrant workers and members of their family.

70. Italy asked if the recent Equal Opportunities Bill has been definitely approved by the National Assembly and has already entered into force. In its opinion this Bill represents a major achievement in Mauritius human rights policy as it prohibits any form of discrimination on the ground of, inter alia, political opinion, race, sex and sexual orientation. Italy inquired whether the Government intends to adopt consistent provisions in order to decriminalize sexual activities among consenting adults. It welcomed the establishment of an Ombudsperson for Children in 2003, yet noted some concerns in the field of the rights of the child, including in such areas as adoption and juvenile justice. Italy recommended to Mauritius to: (a) to increase efforts in ensuring full compliance of domestic legislation with the CRC, including by introducing a legal minimum age for criminal accountability. With regard to women’s rights, Italy recommended to Mauritius to: (b) amend those constitutional provisions which negatively affect the status of women, including marriage, divorce, adoption, burial and transfer of property in case of death.

Conclusion and Recommendations

80. The recommendations formulated during the interactive dialogue have been examined by Mauritius. The recommendations listed below enjoy the support of Mauritius:

1. Consider the possibility/ speed up the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Algeria, Argentina, Brazil, Mexico, Slovenia);

8. Increase its efforts in ensuring full compliance of its domestic legislation with the Convention on the Rights of the Child, including by introducing a legal minimum age for criminal accountability (Italy) in line with international standards (Germany); Enact a Children’s Act as well as consolidating national legislation which is fully in line with the international obligations it has undertaken (Indonesia);

10. Give to the Office of the Ombudsperson for Children the necessary resources to carry out its tasks so as to ensure its effective realization of the rights of children (Burkina Faso);

11. Continue its impressive efforts towards realization of children rights, and in this context share its experiences on the work of the Ombudsperson for Children (Botswana);
12. Implement the recommendations of the Committee on the Rights of the Child (South Africa);

28. Strengthen existing policies and programmes aimed at eradicating child prostitution (Turkey); Strengthen the existing national plan of action on the protection of children, in particular on its policies in the prevention, recovery and reintegration of children victims of sexual exploitation (Malaysia); Continue its efforts to protect child rights, in particular in its attempt to completely eradicate child labour (France);

29. Undertake further steps to eradicate child prostitution and child labour (New Zealand);