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## الجمعية العامة



### مجلس حقوق الإنسان

الدورة الثانية والخمسون

27 شباط/فبراير - 31 آذار/مارس 2023

البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

### زيارة إلى موريشيوس

تقرير المقررة الخاصة المعنية ببيع الأطفال واستغلالهم جنسياً، بما في ذلك استغلالهم في البغاء وفي المواد الإباحية وغيرها من مواد الاعتداء الجنسي على الأطفال \* \* \*

#### موجز

تبحث المقررة الخاصة المعنية ببيع الأطفال واستغلالهم جنسياً، بما في ذلك استغلالهم في البغاء وفي المواد الإباحية وغيرها من مواد الاعتداء الجنسي على الأطفال، ماما فاطمة سينغاته، في هذا التقرير، القضايا المتعلقة ببيع الأطفال واستغلالهم جنسياً في موريشيوس، وذلك في ضوء القواعد والمعايير الدولية لحقوق الإنسان. واستناداً إلى المعلومات التي جُمعت قبل الزيارة وأثناءها وبعدها، تسلط المقررة الخاصة الضوء على المبادرات التشريعية، والإطار المؤسسي وسياسات حماية الطفل المنفذة لمكافحة ومنع ظاهري بيع الأطفال واستغلالهم جنسياً، وعلى التدابير المتخذة لتوفير الرعاية للأطفال الضحايا وضمان تعافيهم وإعادة إدماجهم. وتقدم المقررة الخاصة توصيات لتعزيز الجهود الرامية إلى منع ظاهري بيع الأطفال واستغلالهم جنسياً وإلى القضاء عليهما.

\* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعَمَّم باللغة التي قُدِّم بها فقط.

\*\* أُثِّق على نشر هذا التقرير بعد تاريخ النشر المعتاد لظروف خارجة عن إرادة الجهة المقدمّة له.



الرجاء إعادة الاستعمال

## Annex

### **Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, Mama Fatima Singhateh on her visit to Mauritius**

#### **I. Introduction**

##### **A. Programme of the visit**

1. At the invitation of the Government of Mauritius, the Special Rapporteur undertook an official visit to Mauritius from 21 June to 30 June 2022. The objectives of the visit were to assess the situation of the sale and sexual exploitation of children and to evaluate the national child protection system, with a view to making recommendations to prevent and eradicate all forms of sale and sexual exploitation of children.

2. During her 10-day visit, the Special Rapporteur held meetings in mainland Mauritius and the island of Rodrigues. In mainland Mauritius she met with the Prime Minister, and the Minister of Gender Equality, Child Development and Family Welfare; with representatives from the ministries responsible for foreign affairs, regional integration and international trade; gender equality, child development and family welfare; education and human resources; and tourism and leisure; with the Attorney General, the Director of Public Prosecutions, and members of the judiciary; and with representatives of the police, the National Human Rights Commission, the National Adoption Council, the National Children's Council, the National Computer Board and the National Empowerment Foundation. She also met with the Ombudsperson for Children, civil society organizations, members of the international community, and children. The Special Rapporteur visited the Oasis shelter, the Centre d'éducation et de développement pour les enfants mauriciens, a residential care institution, a probation centre and a drop-in centre.

3. In Rodrigues, the Special Rapporteur met with the Commissioner for Child Development, representatives of the police and the probation service, and representatives from the areas of tourism and information technology, and visited the Marie Madeleine de la Croix shelter at Baladirou.

4. The Special Rapporteur expresses her gratitude to the Government for the cooperation before, during and after the mission and for the constructive dialogue with State interlocutors. To everyone who met with her, especially the children, the service providers and the representatives of civil society organizations, she wishes to express her appreciation for their readiness to engage in an open dialogue. She also wishes to express her gratitude to the United Nations country team for its support and assistance throughout the mission.

##### **B. Context**

5. Mauritius, located in the south-west of the Indian Ocean, consists of several islands, including the island of Mauritius and the island of Rodrigues,<sup>1</sup> and has an estimated population of 1,270,000 inhabitants<sup>2</sup> of whom 23 per cent are children.<sup>3</sup>

6. Mauritius regained its independence in 1968 and became a parliamentary republic. Its ethnic makeup is a product of two centuries of colonization from Europe and of labour migration from Asia and continental Africa, with Indo-Mauritians making up nearly two

<sup>1</sup> See [HRI/CORE/MUS/2016](#).

<sup>2</sup> See <https://worldpopulationreview.com/countries/mauritius-population>.

<sup>3</sup> UNICEF, *The State of the World's Children 2017: Children in a Digital World* (UNICEF Publications, 2017), p. 175.

thirds of the total population, followed by Creoles, Sino-Mauritians and Franco-Mauritians.<sup>4</sup> While the official language is English, approximately 86.5 per cent of the population speaks Creole, 5.3 per cent Bhojpuri and 4.1 per cent French.<sup>5</sup>

7. Mauritius has undergone a remarkable economic transformation, ranking sixty-fifth out of 179 countries in the Human Development Index in 2018,<sup>6</sup> becoming a high-income country in 2020 and then slipping back to upper-middle-income status in 2021 due to the coronavirus disease (COVID-19) pandemic. In 2017, 10.3 per cent of the population were living below the national poverty line.<sup>7</sup> The poverty rate was projected to increase in 2020 from 10.7 per cent to 12 per cent, and to decline to 9.5 per cent by 2022.<sup>8</sup> A key sector of the country's economy is the tourism industry, with Mauritius ranking as the fifty-fifth most visited country in the world<sup>9</sup> and one of the top tourism destinations in the region.

8. The Constitution of Mauritius guarantees fundamental rights of citizens and establishes the separation of powers between the legislature, the executive and the judiciary. The legal system is a mix of the civil legal system based on French civil law with some elements of English common law.

9. Rodrigues is a constituent island with an autonomous status within Mauritius. It had an estimated population of 43,538 in 2019. It has a thriving tourism industry, welcoming nearly 78,000 tourists in 2019.<sup>10</sup>

10. During the previous country visit, in 2011, the then Special Rapporteur observed that despite its improved legislative framework and policies, Mauritius was struggling to have an efficient sustained impact on the lives of vulnerable children, due to poor inter-institutional coordination, weak policy coherence and ineffective multisectoral approaches.<sup>11</sup> She noted discrepancies in data, the absence of effective sex education programmes, and the lack of a clear mechanism for effective protection and specialized placement for child victims of prostitution and sexual exploitation.<sup>12</sup>

## II. Scope of the sale and sexual exploitation of children

### A. Sale and trafficking of children for labour and sexual exploitation

11. The actual extent and prevalence of various manifestations of sexual abuse and exploitation is unknown, due to the clandestine nature of these offences, and the lack of comprehensive, disaggregated and systematically collected data on the number of cases reported and the investigations and prosecutions undertaken. The lack of cohesive data-sharing among various child protection agencies is further exacerbated by underreporting, owing to the lack of awareness, and to prevailing societal and religious barriers, which include stigma, shame and negligence surrounding the issue of sexual abuse and exploitation of children.

12. The Special Rapporteur notes with appreciation the statistical data received from various governmental entities and the Children's Court, both during and after the visit. She regrets, however, that the data was not consolidated, and disaggregated with regard to the number of cases reported, investigated, and prosecuted, and the convictions handed down.

<sup>4</sup> Index Mundi, Mauritius Demographics Profile 2018.

<sup>5</sup> Ibid.

<sup>6</sup> United Nations Development Programme, *Human Development Indices and Indicators: 2018 Statistical Update*, p. 23.

<sup>7</sup> See the poverty headcount ratio available at <https://data.worldbank.org/indicator/SI.POV.NAHC?end=2017&locations=MU&start=2017>.

<sup>8</sup> See the World Bank poverty and equity data portal.

<sup>9</sup> World Economic Forum, *Travel and Tourism Competitiveness Report 2017*, p. 9.

<sup>10</sup> See <https://govmu.org/EN/Pages/rodrigues.aspx>.

<sup>11</sup> See A/HRC/19/63/Add.1.

<sup>12</sup> Ibid.

The fragmented data received does not allow her to reflect meaningfully on the scope and prevalence of the phenomenon in Mauritius.

13. Despite the limited data and the fact that commercial sexual exploitation of children remains largely unexplored, the anecdotal evidence gathered showed that sexual abuse of minors within circles of trust and communities, including incest at home and so-called cross-generational sex perpetrated by “sugar daddies”, was common. The Special Rapporteur learned that increasing numbers of young girls aspired to have so-called “sugar daddies”, without understanding the abusive nature of this, and labelling it as a relationship despite the payments or cashless transactions made for sexual favours or services provided by them. Because of its apparently consensual and voluntary nature, this form of abusive relationship involving a minor and an older person is not regarded as commercial sexual exploitation or prostitution, nor is it seen as a form of exploitation.

14. The last qualitative national report on the phenomenon of commercial sexual exploitation of children, commissioned in 2003 by the Ministry of Gender Equality, Child Development and Family Welfare and the United Nations Children’s Fund (UNICEF), and carried out by the University of Mauritius, revealed that commercial sexual exploitation of children was not a new phenomenon in Mauritius and had been present for nearly half a decade preceding the report.

15. According to the survey’s estimates, there were approximately 2,600 child victims of commercial sexual exploitation in Mauritius, around 63 per cent of whom had a family member or close relative already engaged in sex work, and, in nearly half of these cases, the family member was their own mother. Around 63 per cent of the victims had been exposed to foreigners exclusively or to foreigners along with Mauritians. The study found that desire for sexual freedom, monetary benefits and a certain lifestyle had pushed these children into commercial sexual exploitation. Falling victim to child sexual abuse and to rape in childhood was associated with commercial sexual exploitation for 22.3 per cent and 9.8 per cent of the children, respectively. The average age at which the children had had their first sexual experience was 12.6 years, and approximately 58 per cent had received money or gifts on that first occasion. Commercial sexual exploitation was also associated with drug use among the children, with around 25 per cent of them reporting having taken drugs at one time or another, the study revealed.<sup>13</sup>

16. Although the findings of the study are almost two decades old, many interlocutors noted the relevance of the findings, considering the growing problem of child prostitution in Mauritius and Rodrigues. There is an urgent need to understand the scale and manifestation of the phenomenon and to conduct interventions and policies to tackle this.

## **1. Sale of and trafficking in children for the purpose of sexual exploitation**

17. Despite the measures reported to have been taken to eliminate trafficking for the purpose of child sexual exploitation,<sup>14</sup> there was no information on reported cases of trafficking in children, including on the number of prosecutions and convictions under the Combating of Trafficking in Persons Act 2009, disaggregated by the country of origin of the perpetrator and the nature of the penalties imposed. Many interlocutors observed that children in so-called pockets of poverty were at higher risk of being trafficked for commercial sexual exploitation, often facilitated by the entertainment industry and other intermediaries. According to the Ombudsperson for Children, child trafficking for the purpose of sexual exploitation is increasingly being facilitated online.

18. The Special Rapporteur also learned that the concept of trafficking in human beings was not always fully comprehended, as there was a tendency to overlook the national dimension and focus more on transnational aspects of it. According to some interlocutors, data from the police does not differentiate trafficking for sexual purposes from other forms of trafficking, thus the extent of the problem remains unclear. While the legislative developments related to the new Children’s Act are commendable, the Act does not make any provision for cases involving the sale of children and has not distinguished the crime of

<sup>13</sup> See the annual report of the Ombudsperson for Children for 2020/21.

<sup>14</sup> See [E/C.12/MUS/CO/5](#).

sale of children from child trafficking, despite the distinct concepts. Discussions with interlocutors pointed to instances of alleged sale of children in the country for the purpose of adoption.

19. At the time of the visit, there was no available information on measures taken to monitor informal adoption within extended families and to identify any potential abuse of children. Cohesive data on the number of illegal intercountry adoptions was lacking, leaving children from marginalized communities vulnerable to sale.

## 2. Child marriage

20. Mauritius is one of 20 countries in Eastern and Southern Africa committed to ending child marriage by the end of 2020.<sup>15</sup> At the Nairobi Summit of the International Conference on Population and Development, held in 2019, the Government of Mauritius committed to zero sexual and gender-based violence, including zero child, early and forced marriage.<sup>16</sup> Mauritius has also committed to eliminating child, early and forced marriage by 2030, in line with target 5.3 of the Sustainable Development Goals.

21. Although there are no relevant statistics on child marriage, a survey conducted by the country's Ministry of Health in 2014 found that 12.1 per cent of teenage girls (aged from 15 to 19 years) currently in a union had already begun childbearing: 10.6 per cent were already mothers and 1.5 per cent were pregnant with their first child.<sup>17</sup>

22. The Children's Act 2020, effective as of 24 January 2022, criminalizes child marriage, and repeals articles 145–148 of the Mauritian Civil Code, which allowed the marriage of minors from the age of 16 years with parental consent or a judicial order. It is now incumbent on the Government to ensure the effective enforcement of the law, by conducting island-wide awareness-raising about the absolute nature of the prohibition of child marriage, irrespective of personal or customary law.

## 3. Sexual exploitation of children in the context of travel and tourism

23. Mauritius is a well-known tourist destination. In 2012, *Slate Africa*<sup>18</sup> claimed that Mauritius was among the 10 major destinations for sex tourism in Africa.<sup>19</sup> In 2015, the Committee on the Rights of the Child expressed concerns about the increase in the sexual exploitation of children, especially child sex tourism, in some areas or neighbourhoods, as well as the lack of systematic and compulsory reporting and investigation of sexual offences against children. The Committee was also concerned about the reported discontinuation of support for victims of sexual exploitation and the inadequate rehabilitative services for victims<sup>20</sup> and recommended that Mauritius develop programmes and policies for the prevention of sexual exploitation and abuse of children, to address the proliferation of sex tourism, and to ensure the treatment, recovery and social reintegration of child victims.

24. The Special Rapporteur did not receive disaggregated data on the number of cases reported, investigated and prosecuted pertaining to the sexual exploitation of children in the context of travel and tourism. She learned about challenges faced by the police in detecting, identifying, referring and investigating potential cases of child sex tourism and the lack of incentive among the population to disclose these cases. She also observed that tourism enforcement unit was mostly involved with overseeing the tourism regulations and the licensing of tourism companies operating in Mauritius and was not aware of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It also lacked specialized training about the preventive role of the tourism, travel and entertainment industries on matters of child sex tourism. It did not consider nor perceive the

<sup>15</sup> See <https://www.youngpeopletoday.org/esa-commitment/>.

<sup>16</sup> See <https://www.nairobisummiticpd.org/commitment/commitments-republic-mauritius-accelerate-promises-icpd-25>.

<sup>17</sup> ECPAT International Foundation, Country Overview: Mauritius (2019), p. 9.

<sup>18</sup> *Ibid.*, p. 11.

<sup>19</sup> *Ibid.*, p. 15.

<sup>20</sup> [CRC/C/MUS/CO/3-5](#), para. 41.

issue as problematic, despite hotels, discos, private clubs and nightclubs reportedly being used as contact points to recruit child victims.

#### 4. Sexual abuse of minors within the circle of trust and within communities

25. Although the information received by the Special Rapporteur was fragmented, inconsistent and anecdotal, the evidence gathered from child protection stakeholders demonstrates that sexual abuse of children, including incest within the inner circle of trust and at home, is common. The Special Rapporteur learned that some cultures did not give importance to issues of privacy or child body consent. Children are often intimidated into not telling their stories; they do not speak, out of fear of retaliation, of being judged or of being disbelieved, and cases of alleged abuse are concealed to preserve the family's honour or to protect children from stigmatization. There are also communication barriers between parents and children on the topic of sex and sexual abuse.

26. While the mandatory and confidential reporting in the new Children's Act is a big step forward, it is not anonymous. Moreover, the name of the victim is often leaked to the media even before the perpetrator is apprehended.

27. The Special Rapporteur also learned that the fear of having the child removed from the family under an emergency protective order and placed in a public ward of a hospital or in an institution serves as a further deterrent to disclosing any abuse. Other obstacles inhibiting the reporting of cases include lengthy investigations and judicial proceedings followed by lenient sentences.

28. Targeted sensitization and awareness-raising, including on the new charges set out in the Children's Act, is therefore critical – for the wider public, professionals working with children, and the media.

#### 5. Child sexual abuse material and online sexual exploitation of children

29. As of 2018, 55.6 per cent of Mauritians had Internet access<sup>21</sup> and there were as many as 151.2 mobile phone subscriptions per 100 people.<sup>22</sup> According to the Government, the proliferation of Internet access and the expansion in information and communication technologies, and the COVID-19 pandemic, have led to an unprecedented rise in screen time among children. The most common risks that children face online relate to bullying, sharing sexually explicit materials and messages, clips with violence, and indecent invitations, as well as access to pornographic websites. Peer pressure has led children to share indecent photographs of themselves, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability of child pornography.<sup>23</sup> According to figures reported by the Mauritian Cybercrime Online Reporting System, from 10 to 22 March 2021, 148 cases of cyberbullying, cyberstalking, sextortion and cyberharassment were reported. Between January and December 2021, some 2,320 cases were reported as compared to 426 cases in 2018.<sup>24</sup> The number of attempts to access child sexual abuse material ranged from 20,747 to 41,620, averaging 31,337, in the first six months of 2021.<sup>25</sup> In July 2022, the number stood at 13,699.

30. The Special Rapporteur was informed that the online sexual exploitation, grooming, exchange of content and bullying on social media and in schools was problematic. And that the numbers reported did not reflect the extent of this phenomenon. Efforts to address the upsurge in the number of cases in the context of the pandemic had been on ad hoc basis.

31. In 2021, Mauritius was shaken by several incidents regarding sharing of inappropriate content, including nudity of minors on the Telegram app. The National Computer Board and

<sup>21</sup> International Telecommunication Union statistics 2018: Mauritius.

<sup>22</sup> ECPAT International Foundation, Country Overview: Mauritius (2019), p. 9.

<sup>23</sup> Submission by Mauritius for A/77/140, available from <https://www.ohchr.org/en/calls-for-input/2022/addressing-vulnerabilities-children-sale-and-sexual-exploitation-framework>.

<sup>24</sup> See <https://govmu.org/EN/Pages/NewsDetails.aspx?n=The-Cybersecurity-and-Cybercrime-Bill-to-shield-the-population-against-cybercriminals,-affirms-Minister-Balgob.aspx>.

<sup>25</sup> Information and Communication Technologies Authority, Child sexual abuse filtering (2021), available at [www.icta.mu/CSA\\_charts.html](http://www.icta.mu/CSA_charts.html).



the Computer Emergency Response Team took measures to block the groups and issued a press release strongly condemning what had happened and alerting the public to the dangers of sharing private content.<sup>26</sup> The Cybercrime Unit of the Mauritius Police Force launched an investigation, but it is not clear whether there have been any prosecutions.

32. In her 2020/21 annual report, the Ombudsperson for Children was deeply concerned about the reality that some children are being groomed online for sexual purposes. She was also concerned about the ethical considerations to disclosing the identities of children.<sup>27</sup>

33. The Computer Emergency Response Team issued guidelines on safe surfing online and developed the Mauritian Cybercrime Online Reporting System, where cyberbullying, sextortion, fake accounts and derogatory comments or pages about children are reported. Very few State institutions knew about these. Although reporting child sexual material online is mandatory, it is not necessarily hurdle-free, as it requires filing a complaint to the police in person.

34. The Special Rapporteur was informed that the Ministry of Gender Equality, Child Development and Family Welfare had set up a technical committee to study the phenomenon of child revenge pornography, with a view to, inter alia, setting up a system for data collection and developing standard operating procedures for institutional interventions and providing assistance to victims. She did not have an opportunity to access and familiarize herself with the findings of the study.

## **B. Root causes and risk factors**

35. Root causes for sexual exploitation of children remain mostly unexplored. According to the Government, consumerism is playing an increasing role in the commercial sexual exploitation of children; influenced by peer pressure to belong and conform to the value that society places on luxury goods and services, some children may be persuaded to exchange sexual favours for money or luxury items. It also observed that the growth in the use of the Internet and modern technologies has intensified the risk of engaging in this behaviour online. The risk of exploitation of children is particularly high in families with insufficient resources, in families unable to fulfil their protective role and in families with the prolonged absence of one or both parents.<sup>28</sup>

### **1. Poverty and inequalities**

36. Overall, only an estimated 8.7 per cent of Mauritians live in poverty, however there are reportedly more than 70 pockets of poverty.<sup>29</sup> While noting the efforts made towards poverty alleviation, the Committee on the Rights of the Child reiterated its concern about the living conditions of children from disadvantaged and marginalized families.<sup>30</sup> The so-called African town in the south of Port Louis is reported to be very poor and to have a high rate of child prostitution. This problem is not spoken about, and victims are not identified or protected. Child sexual abuse in these impoverished communities is also known to be linked to poor living conditions and the small living space of family members.

37. Inadequate housing and accommodation were mentioned multiple times by several interlocutors as being an underlying problem within these communities. The Special Rapporteur learned that the accommodation provided by the Government usually consisted of one room for a family of two adults and two children, which is not conducive to protecting a child's development and privacy.

<sup>26</sup> See <http://www.maurice-info.mu/2021-03-24-spreading-of-intimate-images-through-the-telegram-app.html?amp>.

<sup>27</sup> See the annual report of the Ombudsperson for Children for 2020/21, p. 115.

<sup>28</sup> Submission by Mauritius for A/76/144, available at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FIssues%2FChildren%2FSR%2FGA76%2FMauritius-submission.docx&wdOrigin=BROWSELINK>.

<sup>29</sup> A/HRC/30/43/Add.3, para. 45.

<sup>30</sup> CRC/C/MUS/CO/3-5, paras. 59–60 and 66 (d).

## 2. Birth registration

38. During the COVID-19 lockdowns, the Government allowed delayed registration of births, by extending the prescribed birth registration period.

39. The Special Rapporteur learned that one of the major flaws in the birth registration system is that the notification of birth is neither computerized nor connected to a national database. Seemingly, there is no system to confirm or verify whether the birth of a child has been registered, which gives rise to the issue of an undeclared child, or lengthy overdue declaration processes. Some interlocutors suggested that the Ministry of Education was considering computerizing the system of school admission and accessing the Civil Status Division through the government portal.

## 3. Access to inclusive education

40. The Special Rapporteur was informed that despite free public transportation and various incentives for children, including free education, the school dropout level was high. Some explained this by the fact that children faced language difficulties starting from primary school, as academic teaching was in English whereas the everyday spoken language was Creole. Children were not suitably prepared and were not able to successfully take exams in English. The Special Rapporteur was informed that many children dropped out of school because they were either differently intelligent, or artistically talented or had been abused or traumatized, and they ended up in secondary pre-vocational streams with teachers from mainstream schemes who were not trained to work with these children. There is therefore a need for more trained personnel and capacity to meet the demand in pre-vocational streams.

41. Addressing the sexual abuse and exploitation of children requires a holistic approach, including an inclusive, equitable and quality education system that caters to the needs of all children. Inclusion should also be a matter of policy in terms of recruitment and promotion of care providers. The education system, the Special Rapporteur learned, and the culture of tolerance of the scourge, create a mindset that is directly correlated to, and creates opportunities for, a culture of child exploitation.

42. Furthermore, sex education in school is allegedly inadequate and is not sufficiently tailored to meet the real issues faced by teenagers and pre-teenagers.

43. According to the Ombudsperson for Children, comprehensive sexuality education should become compulsory in all primary and secondary schools. Along with sex educators, parents, and other relevant stakeholders, such as health professionals, could become active partners in delivering a comprehensive sex education curriculum at home and in community settings.

44. Many interlocutors mentioned the cultural sensitivity of the society to the issue of sex education and how religion had an impact on the way in which awareness-raising campaigns were conducted by non-governmental organizations (NGOs). Some stressed the importance of sensitizing religious leaders in communities on how children needed to be taught to survive and make informed decisions. There was also a need to harmonize the tools and campaigns on changing mindsets, sensitizing families, and engaging with parents.

45. Following on from the remarkable progress that has been achieved in the field of inclusive education, effective sex education in schools is one of the few interventions Mauritius could make to accelerate efforts that target and address teenage pregnancies.

## 4. Teenage pregnancies

46. According to a recent study on the relationship between teenage motherhood and prostitution in Mauritius,<sup>31</sup> children are involved in commercial sexual exploitation through intermediaries such as taxi drivers and staff of hotels, bars and nightclubs. It is also argued in the study that teenage pregnancies are one of the main risk factors leading to the sexual exploitation of children in prostitution, as a result of lack of family support and seeking

<sup>31</sup> J. Ballet and A. Bhukuth, "Prostitution and survival in Mauritius", in J. Ballet and A. Bhukuth (eds.), *Child Exploitation in the Global South* (Palgrave Macmillan, 2019), p. 159.



informal employment to survive. These findings are significant, as teenage pregnancy is prevalent in Mauritius.<sup>32</sup>

47. The Ombudsperson for Children stressed the importance of understanding the extent of teenage pregnancy and adolescent parenthood cases across Mauritius, in order to be better able to prepare and implement relevant national policies effectively. The Ministry of Health and local NGOs working with pregnant teenagers and adolescent mothers could combine their records into a centralized database which could serve as a platform for comprehensive interventions for these vulnerable adolescents.<sup>33</sup>

## 5. Children at risk

48. Children of Creole cultural background are reportedly often subjected to multiple forms of discrimination in various settings, leading them to be reluctant to report the abuse experienced. Lack of birth registration further exposes them to a multitude of violations, including denial of health care and of access to schooling, making them vulnerable to child labour, child marriage, and trafficking, including for the purpose of sexual exploitation.

49. The Special Rapporteur also learned of reportedly rampant racism and discrimination against children of African descent, who tended to be neglected and stigmatized, including in school settings, making them vulnerable to falling victim to various forms of grooming and sexual exploitation.

50. Mauritius reportedly has a large population of street children, who generally are driven to the streets because of low income, poor family relationships and poverty. Most of those aged between 11 and 16 do not go to school and have worked since the age of 13. The living conditions of these children expose them to a host of abuses, including violence, prostitution, drug addiction and exploitative labour.<sup>34</sup>

51. In 2015, the Committee on the Rights of Persons with Disabilities was concerned about reports indicating the abuse and neglect of children with disabilities placed in some NGO-run institutions.<sup>35</sup> During her visit, the Special Rapporteur learned about the apprehension of a speech therapist in a specialized institution in Plaines Wilhems who had reportedly sexually touched children with special needs aged between 8 and 14. Following a formal complaint, the therapist had been provisionally charged by Rose Hill District Court with “sexually abusing a child under the age of 16” and “inducing a child to view a pornographic performance” and then was granted bail. The Special Rapporteur welcomes the decision of the Director of Public Prosecutions to appeal the case to the Supreme Court and hopes that the perpetrator will be punished to the fullest extent of the law.

52. Refugees in Mauritius live with host communities. There is no asylum framework in Mauritius, nor is there a governmental body responsible for migrant- or asylum-related issues.

53. In the absence of a functional identification and referral system, and of an adequate number of transit centres with sufficient facilities and services, refugee, asylum-seeking, stateless and undocumented children are particularly vulnerable to trafficking, forced labour, street begging, sexual and labour exploitation, and disappearance.

## III. Measures to combat and prevent the sale and sexual exploitation of children

54. The Government has made significant efforts to improve legislation, policies and practice to protect children from sale and sexual exploitation. However, the measures taken have had a limited impact on the prevention of the sale and sexual exploitation of children and the protection of child victims. This is largely due to the lack of adequate human,

<sup>32</sup> ECPAT International Foundation, Country Overview: Mauritius (2019), p. 8.

<sup>33</sup> See the annual report of the Ombudsperson for Children for 2019/20, available at <https://oco.govmu.org/Documents/Annual Reports/Annual Report 2019-2020 - OC.pdf>.

<sup>34</sup> See <https://www.humanium.org/en/mauritius>.

<sup>35</sup> CRPD/C/MUS/CO/1, paras. 13 and 27.

technical, financial and administrative resources to effectively tackle the sale and sexual exploitation of children, and provide children with recovery, rehabilitation and reintegration services, along with awareness-raising.

## **1. Data**

55. Efforts to inform evidence-based interventions have also been hampered by the lack of unified, systematically collected, reliable, centralized and disaggregated data on the phenomena of child sexual abuse and child sexual exploitation. Data-sharing between child protection services, the police and the judiciary remains weak. There are also discrepancies in categorizing the type of violations and crimes, due to difficulties in collecting information and identifying victims and perpetrators; this is mainly attributable to social perceptions and stigma, weak monitoring and reporting mechanisms, and limited knowledge of laws and rights.

## **2. Cooperation and coordination**

56. Other shortcomings include the lack of or limited coordination and communication among institutions within the Government and NGOs. This is an impediment to ensuring multisectoral and holistic support for child victims of sexual abuse. Many interlocutors pointed to fragmentation across ministries making the stream of support hard to organize and coordinate. The Special Rapporteur also learned about structural loopholes, a culture of impunity, the lack of checks and balances and the lack of accountability and responsibility. There is a need for more cooperation between the Ministry of Education, the Ministry of Gender Equality, Child Development and Family Welfare and the Ministry of Social Integration, Social Security and National Solidarity to overcome the silos.

## **3. Training and awareness-raising**

57. The Special Rapporteur was informed about numerous training programmes and awareness-raising and capacity-building activities carried out on a regular basis on the issue of the commercial sexual exploitation of children, including child trafficking and child prostitution, targeted at the wider population, students, frontline childcare service providers, law enforcement officials, judges, prosecutors and the media.

58. She learned about the need for island-wide and sustained specialized training and capacity-building for professionals working with or in contact with children. There is also a need for public, nationwide sensitization and awareness-raising on issues surrounding the different manifestations of sale, sexual abuse and sexual exploitation of children. Despite the numerous training programmes conducted, the number of cases detected and investigated is still low; there is no proper monitoring that would show whether these standards are applied in practice.

## **A. Legal framework**

### **1. International legal framework**

59. Mauritius is party to seven out of the nine core human rights conventions of the United Nations, including the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, and the Convention on the Rights of Persons with Disabilities.

60. Mauritius has ratified the Convention on the Rights of the Child and the two Optional Protocols thereto, including the Optional Protocol on the sale of children, child prostitution and child pornography in 2011. Mauritius has signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure but has not yet ratified it.

61. Mauritius is also a member State of the African Union and has ratified the African Charter on Human and Peoples' Rights as well as the African Charter on the Rights and Welfare of the Child.

## 2. Domestic legal framework

62. There is a wide array of general legislation in Mauritius on children, including the Children's Act, the Children's Court Act, the Child Sex Offender Register Act, the Criminal Code, the Ombudsperson for Children Act, the Convention on the Civil Aspects of International Child Abduction Act, the Protection from Domestic Violence Act and the Combating of Trafficking in Persons Act.

63. The Children's Act 2020, which came into force on 24 January 2022, replaces the Child Protection Act 1994 and is premised on the overarching principle of "the best interests of the child". During discussions with the Special Rapporteur, many interlocutors expressed concern that although consultations had been held during the drafting of the Act, many of their contributions had not been reflected in the second draft.

64. Sections 20 and 21 of the Children's Act address the prohibited acts of child prostitution and access to brothels and child pornography, enumerating a list of offences. The Children's Act makes provision for higher penalties for child pornography for a term not exceeding 20 years where the child is physically or mentally handicapped, and a term not exceeding 10 years in any other case. The Cybersecurity and Cybercrime Act 2021 criminalizes the misuse of fake profiles, cyberextortion, cyberbullying and revenge pornography, and on conviction an offender is liable to a fine not exceeding 1 million rupees or to penal servitude for a term not exceeding 20 years.

65. The Children's Act provides for the complete abolition of child marriage, thereby repealing existing provisions of the Mauritian Civil Code providing for exceptional circumstances in which children above the age of 16 were permitted to marry. The penalty for causing or forcing a child to marry is a fine not exceeding 100,000 Mauritian rupees and imprisonment for a term not exceeding 10 years. The definition of the child has also been reviewed, referring to any person under the age of 18 years.

66. It was brought to the attention of the Special Rapporteur that under the Criminal Code, a minor of 16 years of age can have a consensual sexual relationship, including with an adult, but cannot consent to marry. This means that the abolition of child marriage in the Children's Act does not protect children aged between 16 and 18 years from being abused or sexually exploited by an adult if the act in question is not one of the acts prohibited under the Children's Act, the Combating of Trafficking in Persons Act or the Criminal Code.

67. The Children's Act 2020 repeals the Juvenile Offenders Act 1935. It sets the age of criminal responsibility at 14 years and provides for alternative measures to criminal proceedings, such as diversionary measures, among others.

68. The Special Rapporteur notes that sections 41 and 42 of the Children's Act, dealing with "children with serious behavioural concerns", allow for non-custodial measures, and for the possibility of placing a child with serious behavioural concerns in a probation centre upon a court order if the parenting support intervention proves unsuccessful. The Special Rapporteur expresses concern that child victims of sexual abuse can display behavioural concerns and could be considered to be "beyond the control" of their parents. The Special Rapporteur recommends that the Government put in place measures that protect child victims of abuse from further traumatization.

69. The Special Rapporteur further notes that there is no specific legal provision in the Children's Act that criminalizes the sexual exploitation of children in the context of travel and tourism.

70. The Children's Act contains provisions for the care and protection of, and assistance for, child victims of trafficking, forced labour and slavery, and child labour, in respect of

children under the age of 16.<sup>36</sup> It also provides for the establishment of the Child Services Coordination Panel, functional as of October 2021 and responsible for coordinating all activities relating to the implementation of the Act and of international and regional conventions.

71. The Children's Court Act 2020 formally establishes the Children's Court, which has jurisdiction to hear cases involving children, with a view to ensuring a child-friendly environment during court proceedings. In operation since January 2002, the Children's Court consists of the Protection Division and the Criminal Division, the latter of which has jurisdiction to hear cases and make determinations regarding, *inter alia*, sexual offences against children. It is empowered to grant care and protection orders and prosecute offences under the Children's Court Act.

72. The Child Sex Offender Register Act 2020, promulgated in 2022, is aimed at establishing a Child Sex Offender Register under the aegis of the Commissioner of Police to assist in the detection and investigation of sexual offences against children and in the monitoring of sexual offences.

73. A draft bill on adoption, which will be a prerequisite for the implementation of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, has been pending since 2018. Matters relating to the adoption of children are dealt with in the Trafficking in Persons Act 2009, where "trafficking" includes "the adoption or custody of a person, including any act done by another person as an intermediary for the purpose of an adoption or a custody ... facilitated or secured through illegal means", for the purpose of exploitation. Section 6A (4) of the National Adoption Council Act 1987 prohibits the making or receiving of a payment or reward for and in consideration of the adoption of a child by a non-citizen.

74. The Special Rapporteur notes that the definition of sale is also interpreted as trafficking in the Trafficking in Persons Act 2009, and recommends that the concepts of "sale" and "trafficking" should be kept distinct, with commensurate penalties.

75. The Cybersecurity and Cybercrime Act 2021 provides, *inter alia*, for increased compliance with the Council of Europe Convention on Cybercrime, through the provision of additional criminal offences related to cybercrime and cybersecurity.<sup>37</sup> The Special Rapporteur notes that the Act does not make specific reference to children.<sup>38</sup>

76. Notable omissions from the Children's Act 2020 include the Child Development Unit and the National Children's Council, two pre-existing institutions in charge of the protection of children. A framework for the coaching or mentoring of children who leave places of safety upon turning 18 years old is also missing in the new Act.<sup>39</sup>

## B. Institutional framework

77. The Ministry of Gender Equality, Child Development and Family Welfare is the main government body responsible for designing and implementing policies and programmes geared towards promoting gender equality, protecting the rights of children and enhancing their overall development, promoting the well-being of families and fostering community-based programmes and services.

78. The Child Development Unit is the principal unit in charge of child protection, and has a responsibility to intervene promptly and provide comprehensive child protection and rehabilitation services to victims of violence, abuse and neglect on a 24/7 basis. It runs a

<sup>36</sup> See [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=111989&p\\_country=MUS&p\\_count=667](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=111989&p_country=MUS&p_count=667).

<sup>37</sup> See <https://mauritiusassembly.govmu.org/Documents/Bills/intro/2021/bill1521.pdf>.

<sup>38</sup> See [https://ncb.govmu.org/ncb/legislations/THE CYBERSECURITY AND CYBERCRIME ACT 2021.pdf](https://ncb.govmu.org/ncb/legislations/THE%20CYBERSECURITY%20AND%20CYBERCRIME%20ACT%202021.pdf).

<sup>39</sup> See <https://www.dentons.com/en/insights/articles/2021/december/13/the-childrens-act-2020-ten-years-in-the-making-proclamation-in-the-offing>.

hotline service, and provides counselling to victims and follow-up to ensure the child's recovery and reintegration into society. It is also responsible for ensuring alternative care for child victims, ranging from temporary removal of the child to a shelter or into foster care, to periodic review of the placement of children in shelters, to training of mentors and caregivers.

79. Another relevant government agency is the Ministry of Social Integration, Social Security and National Solidarity, which operates rehabilitation youth centres and probation centres where child victims of commercial sexual exploitation are often placed. The Computer Emergency Response Team of Mauritius, a division of the National Computer Board, is responsible for implementing the Child Online Safety Action Plan 2009. The National Children's Council, under the aegis of the Ministry of Gender Equality, Child Development and Family Welfare, is the key consultative and coordinating national body on all activities related to children. The Brigade pour la protection des mineurs was set up in 2004 under the aegis of the Central Criminal Investigation Department of the Mauritius Police Force to deal with the issue of child abuse and juvenile delinquency. In addition, a crime prevention sub-unit was set up in Rodrigues in 2018, to ensure safety and security, preventive counselling, and proactive policing, by establishing neighbourhood watch schemes in crime-prone areas.

80. The National Empowerment Foundation aims to eradicate extreme poverty and aspires to support and empower vulnerable groups. The Interministerial Committee on Trafficking in Persons, supported by the Steering Committee on Trafficking in Persons, was set up at the level of the Attorney General's Office in 2015, to look into the issue of trafficking in persons in Mauritius. The Ministry of Gender Equality, Child Development and Family Welfare, the National Children's Council and the Child Development Unit have continued their efforts to combat child trafficking.

81. The National Adoption Council deals with cases of international adoption of children under 18 years of age by non-citizens. The Council was undergoing reforms to operate as a central authority within the meaning of the Hague Convention. It is intended that national adoptions will be regulated through the National Adoption Bill.<sup>40</sup>

82. The Child Services Coordinating Panel, comprised of representatives from the Ministry of Gender Equality, Child Development and Family Welfare and from other ministries, was set up to coordinate child-related public and governmental services and programmes. The Special Rapporteur did not have the opportunity to meet with members of the coordinating panel. She was told that there were no representatives from Rodrigues on the panel, nor representatives from civil society.

83. The Office of the Ombudsperson for Children was set up in 2003 to promote child rights, and is charged with investigating complaints about potential violations of child rights. It is also entrusted with ensuring that children under the care or supervision of a public body are treated adequately, and that the placement facilities conform to guidelines.

84. The existence of these actors and institutions, including quasi-governmental independent entities dealing with children's rights, may have inevitably caused fragmentation between entities and difficulty in coordinating. The lack of clarity concerning their respective roles and responsibilities may have also hindered communication among the various child rights actors.

85. The Special Rapporteur looks forward to learning how this communication and cooperation gap, including with civil society, will be bridged by the Child Services Coordinating Panel.

### **C. National policies, strategies and programmes**

86. At the time of the visit, there was no comprehensive strategy on prevention of child abuse and sexual exploitation, nor any nationwide child protection policy.

<sup>40</sup> [A/HRC/19/63/Add.1](#), para. 57.

87. The Special Rapporteur was informed that there was a dedicated policy dialogue with the European Union, led by the Ministry of Finance, for potential assistance to develop a child protection strategy. There is reportedly a lack of consensus as to which priority areas to request support for. The Special Rapporteur hopes that the newly established Child Services Coordinating Panel will continue consulting and coordinating efforts across ministries and civil society organizations, to define priority areas that are in urgent need of support.

88. A national plan on combating trafficking in persons is being prepared by the Prime Minister's Office, with the assistance of the International Organization on Migration, focusing on the issues of child labour and the trafficking of children.

89. The Special Rapporteur learned that the National Empowerment Foundation was providing support to 159 NGOs to implement projects. It is also funding 231 NGOs reaching out to 11,000 children in need of protection. Among the NGOs receiving funding, only Pedostop deals with victims and survivors of sexual abuse, including by providing legal and psychosocial assistance and support to victims.

## **1. Investigation, prosecution and access to justice**

90. All cases of child ill-treatment, trafficking, abduction, sexual abuse, neglect and exploitation that are reported to the Child Development Unit for enquiry are also reported to the police for investigation. After the police has completed its enquiry, the case is referred to the Director of Public Prosecutions for advice on prosecution.

91. Complex cases of online sexual exploitation are investigated by the National Cybercrime Unit, which does not have a specialized children's unit and is assisted by the police IT unit.

92. Although the Mauritius Police Force has a Protocol of Assistance for Victims of Sexual Assault, there is no quality control of the implementation of these guidelines.

93. Despite the designation of child-friendly spaces in courts and police stations to ensure the confidentiality and dignity of the victim, most police stations lack proper facilities to protect the child's privacy during the initial stage of filing a complaint. The Special Rapporteur was informed that when a case is reported to the police, the child is asked to first write the testimony in pencil for the police officer to read it out aloud. If the text is correct, the child is asked to reproduce it using a pen, which is an extremely traumatizing experience. There are no dedicated wards for child victims of abuse in hospitals. If the medical professional responsible for examining the child victim is not available, the examination of the child is postponed to the following day. The police are understaffed, are not sufficiently or adequately trained on child-friendly administration of justice and data protection issues, and do not have the necessary facilities, including proper psychometric diagnostic tests. Some police officers mentioned difficulties with detecting and identifying victims and perpetrators, and collecting witness testimonies for prompt investigation and prosecution.

94. The Special Rapporteur was informed that as of 2022, the Brigade pour la protection des mineurs and the Family Protection Unit have merged with the Brigade pour la protection de la famille. About 100 police officers have taken over all matters relating to the child and the family as well as to elderly persons. Some police officers were reassigned from criminal investigation units to the Brigade pour la protection des mineurs without having undergone thorough and in-depth sensitization and training.

95. The Special Rapporteur welcomes the fast-track system of investigating and prosecuting cases of sexual abuse and exploitation of children, including cases of child trafficking, as opposed to the previous system of lengthy investigations and prosecutions, and hopes that the impact of these measures will be monitored and regularly assessed.

96. Although there is a sub-office of the Director of Public Prosecutions in Rodrigues, cases concerning children are sent to the mainland for advice on prosecution, and for approval in cases where there is requirement for a protection order to remove a child. This causes delays in the prompt handling and prosecution of cases and the protection of the potential victim. Cases in court are also often dealt with by different prosecutors, on rotation. A mandated representative of the Director of Public Prosecutions permanently based in Rodrigues could instead expeditiously handle the cases.

97. The Special Rapporteur had an opportunity to visit the Children's Court on the mainland, which is equipped with child-friendly spaces allowing for child-friendly proceedings, including facilities to hear the child's evidence via live video link. The Special Rapporteur hopes that similar child rights courts will be established across the country, including in Rodrigues.

## **2. Care, recovery and reintegration**

98. There are a number of institutions providing recovery and reintegration services for child victims, and this is a welcome development. However, there are considerable constraints as regards resources to ensure adequate rehabilitation, recovery and reintegration of children in the country.

99. The primary authority responsible for assisting child victims of abuse, including child victims of sexual exploitation, is the Child Development Unit within the Ministry of Gender Equality, Child Development and Family Welfare, which provides a full spectrum of assistance and care for the rehabilitative needs of child victims of sexual abuse and commercial sexual exploitation. Since August 2020, the Child Development Unit has been restructured into the Child Rescue and Protection Services and Child Rehabilitation Services, providing a broad range of services. The Child Rehabilitation Services is also responsible for following up on child victims of violence placed in shelters and residential care institutions. The Child Development Unit has decentralized its work, by running a network of six outstations providing child victims with immediate assistance, protection and follow-up. Services are also provided at the drop-in centre in Port Louis and the residential centre in Grand River North West. Four additional child protection services have been established in other districts of Mauritius, making a total of 10 outstations for decentralized service delivery. Provision has been made for two additional relay shelters and three additional residential care institutions owned by NGOs.

100. The Integrated Support Centre was launched in 2019 as a platform to provide immediate support to victims of child abuse on Hotline 113 and victims of domestic violence on Hotline 139. It consists of one office connected to the six child protection services of the Child Development Unit and the six family support bureaux.

101. There are 23 residential care institutions, of which five are government-owned and 18 are run by NGOs, housing 518 children as at October 2022. Children are often transferred between these institutions due to the lack of capacity to accommodate them for more than three months.

102. In terms of monitoring, the Licensing and Enforcement Section is required to conduct surprise visits to ensure compliance with the Residential Care Institution for Children Regulation 2022, however they reportedly focus on the compliance with regulations and much less on the quality of services provided.

103. A Community Child Watch Committee is in place in high-risk areas for early detection and reporting of children at risk, comprising volunteers, social workers, NGOs and community leaders.

104. There are several probation centres across the country for children in conflict with the law, operated by the Ministry of Social Integration, Social Security and National Solidarity.

105. The Special Rapporteur had an opportunity to visit a residential drop-in centre in Port Louis managed by an NGO providing for the rehabilitative needs of 32 child victims of sexual abuse and commercial sexual exploitation including child trafficking, aged from 0 to 18 years. The services provided included counselling, medical sessions, rehabilitative activities, and preventive talks in the community and at schools. She also visited another residential care institution in Rodrigues, which accommodated child victims of a range of different forms of abuse, including physical and sexual abuse and abandonment. The Special Rapporteur was concerned about the lack of adequate and specialized care and recovery services to address the needs of child victims in these institutions, due to the lack of caregivers and insufficient resources.



### 3. Challenges

106. The Special Rapporteur observed that although capacity-building activities were provided on a regular basis for professionals working with children, more targeted, sustained and island-wide trainings were required for law enforcement officers, carers of children and resource persons.

107. Although significant measures have been taken to provide child victims with initial support and care, the integration, long-term care, and specialized rehabilitation and recovery of child victims of sexual abuse and sexual exploitation is largely lacking. The quality of the services and the alternative care services provided suffer from insufficient funding, inadequate staffing and training, and lack of monitoring, supervision and support, including the conducting of proper assessment and follow-up of cases. The Special Rapporteur was informed that the enforcement officers overseeing shelters and residential care institutions lacked specialized training to oversee the quality of services provided to child victims.

108. The Child Development Unit consists of a small team of dedicated officers responding to emergency cases and following up on existing ones, as well as overseeing the work of 60 social workers and conducting capacity-building activities.

109. The Special Rapporteur learned that NGOs did not have funds to sustain the programmes to help children transition from residential care institutions and often had to wait for several months for a response about the continuation of the funding. The children are technically waiting in these shelters to reach majority, and leave the shelter with no prospects or means to sustain themselves.

110. Other issues raised pertain to the lack of clear coordination mechanisms of collaboration and partnership with NGOs running residential care institutions, especially in the context of parent-child contact and family integration and the initial admission of the child to the residential care institution.

111. The Special Rapporteur learned that the new regulations of 2022 for residential care institutions under the Children's Act 2020 remain unclear on the matters of parent-child contact and family reintegration and the role of NGOs running these institutions. Under section 40 of the Children's Act, a parent needs to apply to the Protection Division of the Children's Court for a contact order where there is a placement or long-term care order in respect of the child. This largely affects the NGOs running residential care institutions as regards the family and social reintegration processes of its child residents and the frequency of visits and follow-ups, due to the slow turnaround time in communicating with and responding to the requests from the NGOs running the residential care institutions. Some interlocutors also mentioned a lack of clarity in the assessments conducted to determine whether a child should be removed from the family home.

112. Since the promulgation of the Children's Act, children with so-called serious behavioural problems, including potential victims of neglect and early childhood abuse, are now admitted by the Probation and Aftercare Service meant for the rehabilitation of juvenile offenders. Many interlocutors stressed the importance of identifying and detecting victims of abuse among these children, and of referring them to relevant authorities for assessment and care. The latter requires knowledge, skills and capacity which many probation officers lack.

113. The Child Development Unit explained that under the new Children's Act, probation officers would undergo training to perform new responsibilities concerning the assessment of children in need of protection. The same challenges exist in Rodrigues, where there is also no probation centre but one youth rehabilitation centre for boys. The aftercare services and the return of the child to the community are also provided by the probation service, although this is not reflected in the law. The Prime Minister's Office has initiated the amendment of the Probation of Offenders Act to accommodate this change.

### 4. Child participation and empowerment

114. The National Children's Council coordinates children's participation in decision-making processes, through the establishment of Children's Clubs.

115. Children involved in child rights advocacy whom the Special Rapporteur met from across the mainland exhibited a very good understanding of the issues, recognizing different manifestations such as sexual harassment by teachers in schools and sexual abuse within circles of trust, and admitted to being reluctant to report, due to the threat of retaliation and fear of being judged. The solutions proposed included more discussion about sexual abuse and exploitation, including in the online domain, as well as a need for well-trained psychologists in schools to assist children in need. The children also highlighted the need to be consulted on and engaged in decisions on matters that affected them.

## **IV. Conclusions and recommendations**

### **A. Conclusions**

116. The visit of the Special Rapporteur came at a unique time, against the backdrop of the recently promulgated legislation on child rights, which effectively has changed the child protection landscape by creating new and increased responsibilities for virtually all child protection actors.

117. With the new child protection framework in place, there is an undeniable need to develop regulations and guidelines on the new responsibilities of the various actors in a cohesive and collaborative manner, to avoid duplications, clarifying the steps and responsibilities from early detection to the recovery and social integration of children, and encouraging coordination and information-sharing, followed by adequate monitoring and evaluation. Specialized training and capacity-building for professionals working with children is key to effectiveness in detecting, investigating and prosecuting perpetrators and breaking the cycle of impunity.

118. Equally important are: tackling the root causes and the risk factors that make children vulnerable and put them at risk of sexual abuse and exploitation; ensuring adequate protection, care, recovery and reintegration, provided through a holistic and multidisciplinary team of professionals; and ensuring targeted awareness-raising campaigns to curb the culture of silence surrounding child sexual abuse and exploitation.

### **B. Recommendations**

119. On the basis of the above findings, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations to the Government of Mauritius:

#### **Legislative, institutional and policy framework**

(a) **Ensure the effective implementation of the Children's Act, the Children's Court Act, the Child Sex Offender Register Act, the Cybersecurity and Cybercrime Act and the Combating of Trafficking in Persons Act;**

(b) **Formulate a comprehensive child protection strategy for the effective implementation of the Children's Act, by adopting the necessary directives, standard operating procedures, regulations and guidelines to coordinate interventions for the prevention of sale and sexual exploitation of children. Reinforce reporting mechanisms, ensure island-wide targeted awareness-raising campaigns, allocate adequate resources, and put in place monitoring and evaluation mechanisms to measure the progress;**

(c) **Ensure full compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, by including all forms of the sale and sexual exploitation of children as separate crimes in the Criminal Code, distinct from child trafficking;**

(d) Accelerate efforts to finalize and enact the Adoption Act, and set up an independent body to oversee and monitor adoption processes, in accordance with the Hague Convention on the Civil Aspects of International Child Abduction;

(e) Introduce legally binding provisions to ensure better coordination among the various child protection actors, ministries and service providers, strengthen the victim referral mechanism, and ensure the comprehensive rehabilitation and reintegration of child victims through the provision of adequate, multidisciplinary services.

#### **Investigations, prosecutions and sanctions**

(f) Take measures to strengthen the investigation and prosecution of cases of sexual abuse and exploitation of children under the fast-track procedure and ensure that perpetrators are punished with sanctions commensurate with the gravity of the crimes;

(g) Undertake capacity-building of law enforcement officers on the effective detection, investigation and prosecution of crimes of the sale and sexual exploitation of children, and ensure that investigations and prosecutions are carried out by specialized and trained investigators, prosecutors and forensic experts in a child-friendly environment;

(h) Establish Children's Courts across the country to ensure expeditious hearings of cases involving child victims of sexual abuse and exploitation;

(i) Ensure the prosecution and conviction of all intermediaries in the tourism and entertainment industries, and at every level of the supply chain;

(j) Regularly update information on child victims, while respecting their right to privacy, and on travelling sex offenders, sharing information on the latter with overseas law enforcement agencies;

(k) Strengthen the specialized unit within the police dealing with child sexual abuse cases, including by building their capacity to recognize children who are at risk and in need of special protection, special counselling skills and techniques, child-friendly interviewing and referral support services;

(l) Strengthen the cybercrime unit by providing specialized training on how to tackle child sexual abuse material online; strengthen its investigative techniques on how to monitor encrypted paedophile networks, and detect, report and refer child sexual abuse cases for follow-up; and increase international cooperation and mutual legal assistance in cybercrime matters.

#### **Prevention and eradication of the sale and sexual exploitation of children**

(m) Conduct targeted awareness-raising programmes and community-based and educational programmes, with the involvement of children, victims and survivors and members of the community, and put in place monitoring and evaluation mechanisms to measure the progress;

(n) Conduct comprehensive research on the prevalence and the scope of the phenomena, including mapping of the underlying causes of the demand and risk factors, with a view to informing an evidence-based, targeted preventive and awareness-raising strategy. Ensure that socioeconomic services for children at risk and their families are available and accessible;

(o) Ensure the effective implementation of the Combating of Trafficking in Persons Act, including by strengthening capacity to recognize and detect victims of trafficking for the purpose of sale and sexual exploitation and to refer them, ensuring timely prosecution and conviction of perpetrators, and by analysing and addressing the underlying root causes and devising programmes to protect vulnerable children;

(p) Take measures to ensure that the Child Development Unit is appropriately structured and resourced, with adequately trained personnel, and has a

comprehensive plan of action to effectively prevent and combat the sale and sexual exploitation of children;

(q) Finalize the establishment of a centralized database to systematically collect disaggregated data on the crimes of sale and sexual exploitation of children and child trafficking, including on the number of complaints, investigations, prosecutions, and sentences handed down;

(r) Ensure mandatory, comprehensive sex education in the school curriculum, including information on the definition, scope and various manifestations of sexual abuse and exploitation. Train teachers and conduct awareness-raising and comprehensive age-appropriate sex education tailored to the ethnically diverse and multicultural society;

(s) Take measures to protect the right of the child to privacy, and respect for their dignity through ethical reporting by the media, and take measures to address the stigmatization of victims of sexual abuse and exploitation;

(t) Continue island-wide awareness-raising among the general public on the newly enacted laws and regulations and intensify specialized capacity-building for all professionals working with children, including the police, prosecutors, judges, teachers, the media, health workers, social workers, personnel working in all forms of alternative care, and migration authorities;

(u) Invest in the training of caregivers, social workers and probation officers to detect and to recognize signs of sexual abuse and exploitation, and refer victims to relevant child protection services;

(v) Monitor the activities of the entertainment and tourism industries, to detect and report cases of sexual exploitation of children and to ensure the compliance of the private sector with the Guiding Principles on Business and Human Rights, the Global Code of Ethics for Tourism and the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;

(w) Ensure that the formal and informal sectors of the travel and tourism industry and Internet service providers are aware of the provisions criminalizing the organization or promotion of or assistance in the sexual exploitation of children, and that they have a legal obligation to report online grooming and suspected cases of sexual exploitation of children;

(x) Ensure easy access to child-sensitive reporting and referral mechanisms, paying due consideration to strict confidentiality, and respect for dignity and privacy, allowing victims to report abuse without fear of intimidation, stigma or revictimization;

(y) Establish regular monitoring and evaluation frameworks to assess the impact of various preventive interventions, including awareness-raising and capacity-building activities;

(z) Provide adequate budgetary allocations distributed across the islands to ensure the effective implementation of the new Children's Act and bridge geographic disparities across the country.

#### Care, recovery and reintegration of child victims

(aa) Provide appropriate facilities and adequate human, technical and financial resources and adequate training to carers of children and personnel in child residential care institutions to ensure the quality of the rehabilitative services and the recovery and social reintegration of child victims in institutional care;

(bb) Ensure the availability of safe, dedicated and decentralized shelters for child victims of sexual exploitation, and ensure that they are properly funded, and equipped with adequate means of communication and transportation, and staffed by trained personnel, and that they are able to offer comprehensive care, rehabilitation and reintegration services;

(cc) Evaluate the accessibility and the quality of the existing services and their impact on care, recovery and reintegration, and establish effective mechanisms to ensure regular follow-up of the child through long-term specialized medical, psychological and reintegration care and services.

#### **Cooperation and partnership**

(dd) Strengthen the central role, authority and resources of the Child Development Unit and the Child Services Coordinating Panel in coordinating and overseeing child protection policy and the delivery of services, including the follow-up to cases;

(ee) Work closely with non-governmental organizations and service providers working to detect, receive and refer cases of sexual abuse and exploitation of children, including in hard-to-reach areas and in so-called pockets of poverty, and ensure their sufficient State funding;

(ff) Strengthen the meaningful participation of children by consulting with them and integrating their views and experiences when devising policies and programmes on matters affecting their lives;

(gg) Expand bilateral, regional and international agreements and partnerships with other countries of origin, transit and destination in order to prevent and combat the sale and sexual exploitation of children, including crimes facilitated by information and communication technologies and trafficking networks;

(hh) Strengthen cooperation with United Nations agencies and solicit the in-country support of UNICEF;

(ii) Work closely with the Office of the Ombudsperson for Children, read its reports and act on its recommendations;

(jj) Adopt, and, in collaboration with development partners, implement measures necessary to achieve targets 5.3, 8.7 and 16.2 of the Sustainable Development Goals.

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