



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/MUS/CO/2
17 March 2006

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Mauritius

A. Introduction

1. The Committee considered the second periodic report of the Republic of Mauritius (CRC/C/65/Add.35) at its 1105th and 1107th meetings (see CRC/C/SR.1105 and 1107), held on 19 January 2006, and adopted at the 1120th meeting, held on 27 January 2006, the following concluding observations.
2. The Committee welcomes the submission of the second periodic report as well as the detailed written replies to its list of issues (CRC/C/MUS/Q/2), which gave a clear understanding of the situation of children in the State party.
3. The Committee is encouraged by the frank and constructive dialogue it had with the State party's high-level delegation and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

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

4. The Committee notes with appreciation the efforts made by the State party in the field of law reform and in particular the adoption of the following legislation:
 - (a) The Protection of the Child (Miscellaneous Provisions) Act 1998 which amended the Child Protection Act 1994 together with 23 pieces of legislation;
 - (b) The Criminal Code (Amendment) Act of 2003 which introduced into criminal law the offence of torture to give effects to article 2 of the CAT;

(c) The Protection from Domestic Violence (Amendment) Act in 2004 to cover all cases of domestic violence;

(d) The Sex Discrimination Act of 2002;

(e) The Computer Misuse and Cyber Crime Act of 2003 which makes child pornography a criminal offence;

(f) The Civil Status (Amendment) Act in 2004; and

(g) The National Children's Council (Amendment) Act in 2005 which created the Rodrigues Children's Council.

5. The Committee welcomes the ratifications of or accession to the following international human rights instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 2005;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2003;

(c) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in June 2000;

(d) The Rome Statute of the International Criminal Court in 2002; and

(e) The Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption in 1998.

C. Principle areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

Committee's previous recommendations

6. The Committee notes with satisfaction that some concerns and recommendations (CRC/C/15/Add.64 of October 1996) made upon the consideration of the State party's initial report (CRC/C/65/Add.35) have been addressed through legislative measures and policies. However, recommendations regarding, inter alia, reservations, insufficient facilities for the rehabilitation of child victims of abuse and inadequate research on critical areas concerning children have not been given sufficient follow-up. The Committee notes that those concerns and recommendations are reiterated in the present document.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to provide adequate follow-up to the recommendations contained in the present concluding observations on the next periodic report.**

Reservations

8. The Committee notes the fact that the reservation made on article 22 of the Convention has not yet been withdrawn. However, the Committee is encouraged by the information provided by the delegation that the State party is committed to withdrawing its reservation to article 22 of the Convention.

9. **The Committee reiterates its previous recommendation that the State party undertake all the necessary measures to withdraw its reservation to article 22 of the Convention, in accordance with the Vienna Declaration and Plan of Action of 1993.**

Legislation

10. The Committee notes with appreciation the various measures undertaken by the State party to amend existing laws and introduce new laws to ensure compliance with the CRC. However, the Committee remains concerned about the fact that some of the legislation does not conform to the principles and provisions of the Convention, including in the area of adoption and juvenile justice.

11. **The Committee recommends that the State party strengthen its efforts to continue reviewing its legislation with the aim of ensuring full compliance with the principles and provisions of the Convention. Furthermore, the Committee encourages the State party to consider enacting a comprehensive Children's Act to consolidate the various pieces of legislation covering all aspects of child rights.**

Coordination

12. While noting the role of the Ministry of Women's Rights, Child Development, Family Welfare and Consumer Protection, the Committee is concerned about the fact that coordination between the different government departments and institutions dealing with children's rights is insufficient.

13. **The Committee recommends that the State party further strengthen the coordination between the various bodies and institutions at all levels and pay particular attention to the various regions of the State party.**

National Plan of Action

14. The Committee notes with appreciation the process of reviewing the Children's Policy as well as the National Plan of Action (NPA) proposed in 2003 and 2004 with focus on Early Childhood Care and Development and Parental Empowerment Programme. The Committee also notes that this NPA will include an effective monitoring mechanism on the provisions of the Convention.

15. **The Committee recommends that the State party implement a comprehensive National Plan of Action (NPA), covering all areas of the Convention and incorporating the objectives and goals of “A world fit for children”, the outcome document of the special session of the General Assembly on children in 2002. In this regard the Committee recommends that the State party involve the Ombudsperson for the Children’s Office and civil society in the revision and implementation of this NPA.**

Independent monitoring

16. The Committee welcomes the establishment of the National Human Rights Commission (NHRC) in 2001 as well as the Ombudsperson for Children’s Office (OCO) in December 2003. While acknowledging the valuable work of the OCO in the area of investigations and awareness-raising, the Committee is concerned about the limited human and financial resources allocated for its effective functioning. It is further concerned that staff of OCO are seconded from other government departments, hence limiting its total independence.

17. **The Committee recommends that the State party ensure that adequate human and financial resources be allocated to the Ombudsperson for Children’s Office. The Committee also recommends that the State party strengthen the OCO by allowing it to recruit qualified and trained staff. It further recommends that the OCO be systematically included in the review of any laws and policies pertaining to children.**

Resources for children

18. While noting the positive economic development in the State party, the Committee is concerned that the resources allocated for the implementation of child rights are insufficient. In this respect it is further concerned about disparities between urban and rural developments as well as among the different islands.

19. **With the view to strengthen its implementation of article 4 of the Convention and in light of articles 2, 3 and 6, the Committee recommends that the State party prioritize budgetary allocations paying special attention to regional disparities in order to ensure the implementation of the rights of children to the maximum extent of available resources and where possible, within the framework of international cooperation and using a rights-based approach.**

Data collection

20. While appreciating the data provided by the State party in its report as well as in the written replies, the Committee expresses its concern at the lack of qualitative and quantitative data disaggregated by sex, age and region in some areas of the Convention.

21. **The Committee recommends that the State party strengthen its system of data collection and indicators which cover the provisions of the Convention, disaggregated by sex, age and region and with specific emphasis on those who are particularly vulnerable, including children living in poverty and children with disabilities. It further encourages the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention.**

Training/dissemination of the Convention

22. The Committee notes with appreciation the efforts made by the State party and in particular by the Ombudsperson for Children's Office in disseminating the Convention. Nevertheless, the Committee is concerned about the limited awareness-raising and dissemination of the Convention among children and adults, especially in Rodrigues and Agalega.

23. **The Committee recommends that the State party strengthen and systematize its human rights training programmes, including the principles and provisions of the Convention, for all professional groups working with and for children such as judges, lawyers, law enforcement officials, traditional and religious leaders, personnel working in institutions and places of detention for children, teachers, health personnel and social workers. In this regard, particular attention should be paid to Rodrigues and Agalega.**

Cooperation with civil society

24. While appreciating the State party's efforts to strengthen cooperation with NGOs, the Committee is concerned that the State party has relinquished some of its responsibilities and duties with regard to the implementation of some provisions of the Convention to NGOs without providing them with adequate resources, policies and guidelines.

25. **The Committee reiterates the State party's primary obligation with regard to the implementation of the Convention and recommends that the State party continue its efforts to strengthen cooperation with NGOs and to involve them systematically at all stages in the implementation of the Convention as well as in policy formulation. The Committee recommends that the State party provide NGOs with adequate financial and other resources to enable them to discharge governmental responsibilities and duties with regard to the implementation of the Convention. The Committee refers the State party to its recommendations arising from the day of general discussion held in 2002 on the theme "The private sector as service providers and its role in implementing child rights" (CRC/C/121, para. 630).**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. While appreciating that several measures have been introduced to support vulnerable groups, the Committee expresses its concern at the fact that discrimination against certain groups of children still exists in practice, particularly with regard to children with disabilities, children affected and/or infected by HIV/AIDS, children from disadvantaged families and girls.

27. **The Committee recommends that the State party undertake all necessary measures to eliminate de facto discrimination in full compliance with article 2 of the Convention.**

28. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa in 2001 and taking account of general comment No. 1 (2001) on the aims of education.**

Best interests of the child

29. The Committee notes that although the principle of the best interests of the child is not specifically stated in the Constitution, various national laws provide for the best interests of the child. However, the Committee is concerned that this principle is not fully applied and duly integrated in the implementation of the policies and programmes of the State party or in administrative and judicial decisions for instance in cases of custody and visitation rights.

30. **The Committee recommends that the principle of the best interests of the child enshrined in article 3 be systematically implemented in judicial and administrative decisions as well as in programmes, projects and services with regard to children in various situations.**

Respect for the views of the child

31. While noting with appreciation the efforts made by the State party in order to implement the principle of respect for the views of the child, the Committee is concerned that the views of the child are not systematically taken into account, such as in school settings and in policy development.

32. **In light of article 12 of the Convention, the Committee recommends that the State party continue and strengthen its actions to promote the rights of the child to express his/her views fully in all matters affecting him/her, including within the school, in the media, the courts, administrative bodies and in society in general.**

3. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a) of the Convention)

Birth registration

33. The Committee notes with appreciation the initiatives undertaken by the State party to deal with tardy declaration of births and unregistered children, including the establishment of a high level Committee chaired by the Attorney-General and the Minister of Women's Rights, Child Development, Family Welfare and Consumer Protection in August 2005. It also notes the creation of a hotline operating on a 24-hour basis through which tardy declarations can be made. However, the Committee also notes that the procedures regarding late registration are still complex and very long.

34. **The Committee encourages the State party to continue its initiatives to ensure that cases of tardy declarations are dealt with in a more expeditious manner.**

Right to privacy

35. The Committee shares the State party's concern that the privacy of children who have been victims of abuse or in conflict with the law is not always respected by the press, as certain newspapers continue to report cases in a manner that makes it easy to identify the child, publish their photograph and names or make the child relate the details of the abuse. The Committee also notes that there is no legislation to ensure children's privacy by the media.

36. **The Committee recommends that the State party take all necessary legislative measures to fully protect the right of the child to privacy and to support the initiatives of the Ombudsperson for Children in this domain, including the proposals of drafting a Code of Ethics. In addition, the Committee recommends that the State party provide trainings on the principles and provisions of the Convention to chief editors and journalists.**

Corporal punishment

37. While noting that corporal punishment is prohibited in schools through the Education Regulations of 1957, the Committee remains concerned that corporal punishment is not explicitly forbidden by law in the family and in all settings, including in alternative care settings.

38. **The Committee reiterates its previous concluding observations (CRC/C/15/Add.64, para. 31) and urges the State party to prohibit through legislation and other measures corporal punishment of children in the family, in schools, in penal institutions and in alternative care settings. The Committee further recommends that the State party conduct awareness-raising campaigns among adults and children, the promotion of non-violent, positive, participatory methods of child-rearing and education.**

4. **Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)**

Illicit transfer and non-return

39. While noting the ratification and subsequent domestication by the State party of the Hague Convention on Civil Aspects of International Child Abduction, the Committee is nevertheless concerned about the slow pace of the State party's formal recognition of other countries as parties to the Convention when they have acceded to it, which hampers the effective implementation of the Convention in case of international abduction of children.

40. **The Committee recommends that the State party formally recognize every other State which has acceded to the same Hague Convention as party to that Convention in order to provide immediate and effective protection for abducted children in accordance with the Hague Convention and with articles 11 and 3 of the Convention on the Rights of the Child.**

Separation from parents

41. The Committee is concerned that, according to the Juvenile Offenders Act, a parent or guardian can request a court to place a child in an institution on the basis of a simple oath that the child is a "child beyond control".

42. **The Committee recommends that the State party, in light of the ongoing reforms of the juvenile justice system, ensure full compliance with the principles and provisions of the CRC. The Committee further recommends that the State party abolish the possibility for parents to place a child in an institution on the basis of an oath before a juvenile court. The Committee also recommends that the State party provide families who have difficulties in the upbringing of children with necessary support and counselling services.**

Periodic review of placement

43. The Committee notes with concern that few institutions undertake a regular review of children placed there. The Committee is further concerned that psychological review is only taken when it is evident that the child's behaviour has changed.

44. **The Committee recommends that the State party adopt a comprehensive mechanism of periodic review of children placed in institutions.**

Adoption

45. The Committee is concerned about the lack of a specific requirement to have a social report to assist judges in their decisions that adoption is in the best interests of the child. The Committee is further concerned about the lack of a follow-up system.

46. **The Committee recommends that the State party take 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 to ensure that adoption is in the best interests of the child.**

Child abuse, violence and neglect

47. The Committee is concerned about the incidence of child abuse and neglect, including sexual abuse in the State party. Furthermore, the Committee is concerned about the lack of specialized and comprehensive units with specialized personnel to care for the recovery, rehabilitation and reintegration of abused children. In addition, the Committee is concerned about the lack of alternative homes for children, particularly girls who may be forced to go back to the same homes where the abusers live.

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

(a) **Provide facilities for the care, recovery and reintegration for child victims of violence;**

(b) **Ensure that the child victim's privacy is protected in legal proceedings; and**

(c) **Train parents, teachers, law enforcement officials, care workers, judges, health professionals and children themselves in the identification, reporting and management of cases of violence and abuse, using a multidisciplinary and multisectoral approach.**

49. **In the context of the Secretary-General's ongoing in-depth study on the question of violence against children (A/RES/56/138) and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the subregional consultation for Indian Ocean Island States held in Madagascar from 25 to 27 April 2005 and Regional Consultation for Eastern and Southern Africa held in South Africa from 18 to 20 July 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

5. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

50. The Committee notes the progress made by the State party, especially in codifying the Mauritian sign language and in launching a dictionary of such language. However, it remains concerned about the low proportion of children with disabilities attending schools, particularly due to the poor accessibility to schools most of which are located in the urban areas. It is further concerned about the reluctance of schools to admit children with disabilities as this is perceived to slow down teaching. The Committee is also concerned that the Constitution does not provide for protection from discrimination on the ground of disability.

51. **The Committee recommends that the State party, taking into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage the integration of children with disabilities into the regular educational system and their fullest possible social integration. The Committee also recommends that the State party:**

- (a) Collect adequate statistical data on children with disabilities, allowing for disaggregated analysis of the problems facing such children;**
- (b) Establish a national system of early detection, referral and intervention; and**
- (c) 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.**

Health and health services

52. Notwithstanding the various measures undertaken by the State party to develop health-care services, antenatal and post-natal care and make them accessible for free to all, the Committee remains concerned about:

- (a) Regional disparities in accessibility to health services;**

- (b) High infant mortality rates;
- (c) Infant and maternal malnutrition;
- (d) The sharp decrease in breastfeeding; and
- (e) Limited access to clean and safe drinking water in Rodrigues.

53. The Committee recommends that the State party:

(a) Prioritize the allocations of financial and human resources to the health sector in order to ensure equal access to quality health care by children in all areas of the country;

(b) Continue its efforts to improve prenatal care, including training programmes for midwives and traditional birth attendants, and take all necessary measures to reduce infant mortality rates, especially in rural areas;

(c) Improve the nutritional status of infants, children and mothers;

(d) Ensure access to safe drinking water and sanitation in all areas of the country and particularly in Rodrigues; and

(e) Encourage exclusive breastfeeding for at least six months after birth with the addition of an appropriate infant diet thereafter.

Adolescent health

54. The Committee is concerned about the high rate of teenage pregnancies and the limited access to reproductive health services for adolescents.

55. The Committee recommends that the State party, taking into account its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4):

(a) Strengthen its efforts to ensure access to reproductive health services for all adolescents;

(b) Incorporate reproductive health education in the school curriculum;

(c) Conduct awareness-raising campaigns among adolescents to inform them about their reproductive health rights and the prevention of STDs, HIV/AIDS, and early pregnancies; and

(d) Provide particular support to pregnant teenagers, including through community structures and social security benefits and ensure their completion of education.

HIV/AIDS

56. The Committee welcomes the adoption of the National Strategic HIV/AIDS Action Plan 2001-2005 and the provision of anti-retroviral drugs to pregnant women free of charge to reduce the mother-to-child transmission. Nevertheless, the Committee is concerned about the lack of awareness about HIV/AIDS which leads to fear and discriminatory attitudes against those infected or affected.

57. The Committee recommends that the State party integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies, taking into account its general comment No. 3 (2003) on HIV/AIDS and the rights of the child (CRC/GC/2003/3).

Standard of living

58. The Committee is concerned about the incidence of poverty and significant regional disparities, with a higher incidence of poverty in Rodrigues. While appreciating the efforts made by the State party towards poverty alleviation, there is no significant improvement of the living conditions of vulnerable groups particularly with regard to access to adequate housing, education and health-care facilities.

59. The Committee recommends that the State party strengthen its efforts to ensure that the needs of all children are met, in particular those from socially disadvantaged families and those living in remote areas, so that they do not live in poverty and their rights to adequate housing, education and health are respected.

6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

60. The Committee acknowledges the remarkable improvement made in the field of education, including the ongoing reforms of the education system. The Committee welcomes the introduction of the Zone Education Prioritaire (ZEP) as an affirmative action measure to reduce disparities in the educational achievement of children. However, the Committee is concerned that the proposed reform may introduce an element of unfair classification in accessing the national secondary schools based upon a high cut-off mark. It is also concerned that English as the official language of instruction in schools is not supplemented by educational materials in Creole. In addition, the Committee expresses its concern at the lack of human rights education in the school curriculum.

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

(a) **Ensure that the proposed reforms secure access to free and compulsory secondary education for all children regardless of their social status and ethnic background;**

(b) **Develop a policy regarding the use of Creole in the Early Childhood Development (ECD) stage and at primary levels; and**

(c) **Introduce human rights education, including the principles and provisions of the Convention on the Rights of the Child, in the school curriculum.**

7. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Drug abuse

62. While noting the establishment of the Natreasa (National Agency for the Treatment and Rehabilitation of Substance Abusers) to coordinate all actions by the various NGOs to prevent and combat drug abuse by children, the Committee remains nevertheless concerned that a high number of children are still victims of drug abuse.

63. **The Committee recommends that the State party continue and strengthen its efforts in combating drug abuse by children and in particular to strengthen its awareness campaigns, prevention measures and programmes for recovery and social reintegration.**

Sexual exploitation

64. The Committee welcomes the adoption of the National Plan of Action on the Protection of Children against Sexual Abuse including Commercial Sexual Exploitation of Children (2003-2004). It is also encouraged by the information that a Drop-in Centre will finally become operational on a residential basis to cater for rehabilitative needs of child victims of commercial sexual exploitation. However, the Committee remains alarmed at the high number of children involved in commercial sexual exploitation.

65. **In light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen the implementation of policies and programmes for the prevention, recovery and reintegration of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congress against Commercial Sexual Exploitation of Children.**

Juvenile justice

66. The Committee welcomes the information that the juvenile justice system will be reviewed, but remains concerned about the lack of a clear legal provision for the minimum age of criminal responsibility. The Committee is furthermore concerned about the limited use of alternative socio-educational measures and the frequent use of deprivation of liberty.

67. **The Committee recommends that the State party ensure the full implementation of juvenile justice standards, in particular article 37 (b), article 40 and 39 of the Convention**

as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and taking into account the recommendations of its day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:

- (a) Establish by law a minimum age of criminal responsibility set at an internationally acceptable level;
- (b) Increase availability and accessibility of alternative measures for child offenders using probation services;
- (c) Take all necessary measures, in addition to the ones listed in (b), to limit the de facto use of deprivation of liberty, and ensure that it is genuinely used only as a last resort; and
- (d) Regularly conduct training programmes concerning relevant international standards for all professionals involved with the system of juvenile justice.

8. Optional Protocols to the Convention on the Rights of the Child

68. The Committee notes with concern that the State party has signed but not ratified the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

69. The Committee recommends that the State party ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

9. Follow-up and dissemination

Follow-up

70. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action.

Dissemination

71. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

72. **The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 1 September 2012. This report should combine the third, fourth and fifth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated third, fourth and fifth report 18 months before its due date, that is by 1 March 2011. Such a report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**
