

**Opening Statement by Hon. Mrs. Indranee Seebun,  
Minister of Women's Rights, Child Development, Family  
Welfare and Consumer Protection at the 41<sup>st</sup> Session of the  
Committee on the Rights of the Child**

*Consideration of the Second Periodic Report of Mauritius*

*19 January 2006, Geneva*

**Madam Chairperson**

**Distinguished Members of the Committee**

First of all, on behalf of my Government and in my own name, I wish to thank the Committee on the Rights of the Child for giving us the opportunity to come and share our positive experiences as well as our constraints in the implementation of the Convention on the Rights of the Child.

2. We would like to congratulate you for the efficient manner in which the Committee is conducting its business, especially by working for the first time in two concurrent chambers to address its backlog of work. Our appreciation also goes to the Secretariat for the excellent arrangements made for this meeting.

3. Before proceeding further, allow me to present Members of my delegation:

- Mrs. Aruna Devi Narain, Assistant Parliamentary Counsel from the Attorney-General's Office and Ministry of Justice and Human Rights;

- Mr. Iqbal Latona, Minister-Counsellor from the Mauritius Mission in Geneva; and
- Miss Reena Wilfrid-René, Second Secretary from the Mauritius Mission in Geneva.

4. It would be fitting to recall that Mauritius was among the first 15 countries to sign and ratify the Convention on the Rights of the Child. Since then, Mauritius as a democratic country which is strongly committed to upholding human rights, has pursued all efforts to promote the rights and best interests of children, who constitute one third of its population.

5. Members of the Committee will recall that Mauritius submitted its initial report in 1995. The Second Report covering the period 1995 - 2000 was, regrettably, submitted only in 2004. As requested by the Committee, we have also, in December 2005, submitted updated information relating to legislation, policies and programmes in respect of children.

6. Despite our limited economic and trained human resources, much has been achieved since 1995 as spelt out in our Second Report and in the Reply to the List of Issues. UNICEF, which was

present in Mauritius, also provided valuable technical assistance to Mauritius in terms of consultancy services and financial contribution. Unfortunately, the agency has closed its Office because of the level of development Mauritius has reached. However, Mauritius still needs experts in the field of child protection and development. I have personally made a plea to UNICEF, through the Representative of UNICEF, prior to her departure from Mauritius in December 2005, to continue supporting Mauritius.

7. I now wish to share with you some recent initiatives taken by the new Government, which is in place since July 2005 under the leadership of Hon. Dr. N. Ramgoolam. Our motto is "*Putting People First*", and in the same stride, children are placed at the centre of development. Indeed, our Programme for 2005 - 2010 contains a number of policy decisions aimed at ensuring the survival, development, protection and participation of children. One of our boldest measures, which was introduced in September 2005, is the provision of free transport to school children to and from school. This measure will boost the school enrolment rate and improve school attendance by children from a poor socio-economic background, and will also help us address the problem of school drop-outs both at primary and secondary levels. Major

reforms in the education sector are now in the process of being finalised in the best interests of the children in line with the Programme.

8. My colleague, the Attorney-General and Minister of Justice and Human Rights, has launched in December 2005 a National Strategy for Human Rights in the Republic of Mauritius, with the assistance of the United Nations through UNDP. This Strategy will involve consultations with various stakeholders, including students in primary and secondary schools. Indeed, school-children will be key partners of Government in disseminating information on human rights within the community and society at large. The assistance of UNDP and friendly countries has also been sought and obtained, in principle, for the setting up of a Human Rights Centre in Mauritius. This Centre will be permanently involved in advancing and promoting human rights.

9. The Government of Mauritius also intends to uphold the right of every child to a name and identity. As a matter of urgency, a high-level committee co-chaired by my colleague, the Attorney-General, and myself was set up in August 2005 to address the problem of tardy declaration of births and unregistered children. A fast-track procedure was put in place with the collaboration of the Police Department, the Civil Status Office and the Attorney-

General's Office. Some 96 out of the 258 undeclared births identified as at July 2005 have now been registered and we are confident that we can considerably shorten the processing time in the coming months.

10. Mauritius acceded, in September 2003, to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, and I am pleased to announce that steps have now been taken for the domestication of the provisions of the Protocol.

11. The Child Protection (Amendment) Act which was passed in December last (*copies of which have been distributed to the distinguished Members of the Committee*) aims at fulfilling the legislative obligations of Mauritius under the Protocol. The new section 13A of the Child Protection Act, which creates the offence of child trafficking, criminalizes various possible forms of participation in the transaction, including the recruitment, transport, transfer, harbouring and receipt of a child for the purpose of exploitation. An offence of child trafficking committed outside Mauritius for the purpose of exploitation abroad of a Mauritian child or committed abroad for the purpose of exploitation in

Mauritius is also punishable under the Act. The Child Protection (Amendment) Act also provides for tough penalties for the offence of child trafficking as well as the offences of abandonment of child, abduction of child and child sexual abuse. Penalties have been made stiffer to act as a strong deterrent to these offences. The amended Act also provides for harsher penalties for sexual offences on children and for the offence of taking, distribution and publications of indecent photographs of children. I am pleased to report that these tough penalties received unanimous approval in the course of the Parliamentary Debates.

12. Furthermore, our actions to suppress and eliminate Commercial Sexual Exploitation of Children are being sustained. A Drop-in Centre, which was set up two years ago, will soon become operational on a residential basis to cater for rehabilitative needs of children victims of commercial sexual exploitation.

**Madam Chairperson**

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13. My Ministry is in the process of reviewing the National Children's Policy as well as the National Plan of Action, which

were prepared in 2003 and 2004, in order to better safeguard the rights of children in line with the Convention, with focus on Early Childhood Development and Parental Empowerment Programme. This Plan will also include an effective monitoring mechanism on the provisions of the Convention. Steps are also being taken to support Early Childhood Care and Development which has enormous potential and a distinctive role in promoting the active learning capacity and the overall well-being and development of the child. Accordingly, the National Children's Council is being given the responsibility to run social projects such as the management of quasi- free day- care centres for children from very poor socio-economic background and who are at risk.

14. The Government of Mauritius has recently announced major and ambitious changes to its family justice system. Ms Pramila Patten, a member of the UN Committee on the Elimination of Discrimination against Women, has, at the request of Government, prepared a discussion paper on the review of the family justice system and on the feasibility of the establishment of a Family Court in Mauritius. Stakeholders have, in the course of Consultative Meetings shown keen interest in the proposed system which will aim at serving "the needs of children and families first and foremost" and at, *inter alia*, promoting early resolution of

disputes. The proposed Family Court will have the needs and best interests of children as its primary consideration and it is envisaged that therapeutic justice will be a key part of the family court process

15. At present, laws pertaining to children are scattered in various pieces of legislation. With a view to adopting a holistic and inter-sectoral approach in dealing with children, Government will introduce a Children's Act which will be a comprehensive, consolidated piece of legislation for and on children. The new Act will provide for tougher penalties for crimes committed on young children. The existing mechanism for obtaining emergency protection orders and committal orders will be reviewed, following consultations with applicants, social workers, Magistrates and my own officers. Opportunity will be taken to review the juvenile justice system to bring it in line with the provisions of the Convention and to address some of the inadequacies, which we have ourselves highlighted in the Second Periodic Report.

16. As an end note, I sincerely hope that my introductory remarks will go a long way towards addressing the very pertinent issues raised by the Committee at its pre-sessional meeting in

October last. May I reassure the Committee of the full commitment of the Government of the Republic of Mauritius to having a society where the rights and dignity of children are fully respected and promoted in line with the Convention. May I also give the assurance to the Committee that careful consideration will be given to its recommendations.

17. My delegation will now present the Report, after which we would be pleased to respond to questions raised by the Committee experts.

I thank you for your attention.

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Madam Chairperson,  
Distinguished Members of the Committee,

It is a great honour for me this morning to present the Second Periodic Report of the Government of the Republic of Mauritius on the Convention on the Rights of the Child and to address the questions which Members of the Committee will have for the delegation.

Madam Chair,

By way of preliminary remark, may I point out that the Second Periodic Report, as the Honourable Minister just pointed out, purports to cover the period from 1995 to 2000. However, the List of Issues raised by the Committee at its Pre-sessional Meeting last October included requests for data for the years 2002, 2003 and 2004. Further, the Honourable Minister has just updated the Committee on relevant developments that have taken place in the second half of 2005 and this year.

We would wish, at this stage, to highlight the fact that a new Government was sworn in in July 2005 and that, while Government welcomes such comments and recommendations as the Committee may wish to make on the policies that obtained, and the laws that were in force, prior to 2005, many of those policies and laws are, in fact, in the process of being reviewed. The Committee may rest assured that the provisions of the Convention and the recommendations of the Committee will be borne in mind in the course of this exercise.

Madam Chairperson,

It would be appropriate for me to start off by referring to some of the Concluding Observations made in 1996. These are addressed in the Preamble to the Second Periodic Report as well as in the Reply to the List of Issues raised by the Committee. It is acknowledged that the Convention has not been made an integral part of the national legislation and that key principles of the Convention, such as the best interests of the child and non-discrimination, have not yet been enshrined in our domestic legislation. It is envisaged however that the proposed Children's Act, which will be a comprehensive piece of legislation covering all aspects of child protection and

children's rights, will remedy this lacuna by, *inter alia*, giving force of law to the Convention. I pause here to stress that this is one of many recommendations made by the Ombudsperson for Children to Government. Mauritius considers that one of its main achievements in recent years in the field of promotion and protection of children's rights is the establishment of the office of the Ombudsperson for Children. The Ombudsperson is statutorily vested with a number of duties, among which are those of promoting compliance with the Convention and promoting the rights and best interests of children. She also has the duty of investigating possible violations of the rights of a child and of advising the Minister on a number of child-related issues.

Now, the Reply to the List of Issues contains statistics and data covering the years 2002, 2003 and 2004, where available. These figures show, *inter alia*, that roughly one-third of the population of Mauritius consists of children under 18 and that a substantial part of the Central Government expenditure is devoted to education, health care and child protection. Part B of Part I and Part III of the Reply go on to briefly describe the series of enactments that were amended or enacted in 1998, 2003 and 2004.

Out of these laws, I would, with the leave of the Committee, wish to pause briefly on the Child Protection (Amendment) Act 2005, copies of which have been made available to the distinguished Members of the Committee. This amendment is an important one for the reasons already highlighted by the Honourable Minister. It gives effect to our treaty obligations and is aimed at preventing and punishing child trafficking by criminalising various forms of the offence and providing for very hefty penalties. It also increases the penalties for the offences of child abandonment and child abduction. Most importantly, however, it aims also at making better provision for the recovery of child victims of harm or trafficking in line with Article 39 of the Convention. Section 5 of the Child Protection (Amendment) Act amends section 21 of the Child Protection Act to allow the Minister to register institutions providing for the physical, psychological and social recovery of child victims of injury, neglect, ill-treatment and trafficking. This measure has been introduced in view of the limited resources of the Ministry and in the light of the success of *Chrysalide*, a non-governmental project involving the treatment of adult victims.

Newly- implemented policies, programmes and projects are also reviewed under Part III of the Reply. The Parental Education Programme, the Child Mentoring Project and the Community Child Protection Programme are particularly worthy of note. They aim at involving major stake-holders, that is, parents, neighbours and the community at large, in the protection of children and the promotion of their rights. As Government steps up its measures to afford better protection to children and implement the Convention, it is faced with new, "modern" problems concerning children. Every Mauritian was appalled last year when two young boys were reported to have sexually abused and brutally murdered a 3-year old girl. The involvement of parents and that of the community are vital to afford appropriate protection for children and the appropriate structures are therefore being set in place to facilitate such involvement.

Madam Chairperson

I would not wish to repeat what is already in the Report or in the Reply, nor would I wish to anticipate the queries which the Committee may wish to put to the delegation. I shall therefore conclude my very brief overview of the Report here

and allow Members of the Committee to ask for such additional information or clarification as may be required. The delegation does welcome this constructive dialogue with the Committee and shall endeavour to reply to any query to the best of its ability.

Madam Chairperson

Distinguished Members of the Committee

I thank you for your attention.

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