



# Country fact sheet for the CRC

## COUNTRY: Mauritius (Reviewed by a local contact)

REPORT N°	N° 3-5 periodic reports for the CRC
PRE-SESSION/SESSION	Pre-session: 68 <sup>th</sup> (16 -20 June 2014) – Session: 68 <sup>th</sup> (12-30 January 2015)
LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)	<ul style="list-style-type: none"> <li>▪ THC-93 entered into force on January 1<sup>st</sup>, 1999</li> <li>▪ African Charter on the Rights and Welfare of the Child (1990), ratified on February 14, 1992</li> <li>▪ The Constitution RL 1/1, 12 March 1968</li> <li>▪ Mauritius Citizenship Act RL 3/585, 14 December 1968 (Article 6)</li> <li>▪ Code Civil, Act 37, 1980 (Articles 343-370.5)</li> <li>▪ National Adoption Council Act 1987 (Act N° 21 of 1987)</li> <li>▪ Child Protection Act 1994 [amended in 1998 - it became the <i>Protection of the Child Act 1998</i>, in 2005 and in 2008]</li> <li>▪ Child Protection Act (Foster Care) Regulations 2002</li> <li>▪ The Civil Status (Amendment) Act 2004</li> <li>▪ The National Children's Council (Amendment) Act 2005</li> </ul> <p><i>Obs.:</i> There is no real harmonization of the law aimed for children in Mauritius and the legislation relevant to children can be found in various Codes and Acts. Based on the information given in the Universal Periodic Review of Mauritius (Source: OHCHR – 2013, <a href="http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/156/37/PDF/G1315637.pdf?OpenElement">http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/156/37/PDF/G1315637.pdf?OpenElement</a> ), Mauritius is in the process of creating such a law (Children's Bill).</p>
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<ul style="list-style-type: none"> <li>▪ This multi-ethnics and multi-religions country (population of African, European, Chinese and Indian ascendance) faces various challenges related to several informal way of caring of children deprived of their family.</li> <li>▪ Based on the CIA World Factbook, children and adolescents between 0 and 14 years of age represent 21% of the total population (around 1,331,000 inhabitants) and youth between 15 and 24 years old 15.5%.</li> <li>▪ In 2012, a survey of the NGO SAFIRE (Service of accompaniment of training of integration and Rehabilitation of the child) revealed that <b>6,780 children, adolescents and young adults, aged between 5 and 19 years, were in street situation</b> and victims of all kinds of exploitation. Child trafficking and prostitution have evolved into a central issue of concern which requires urgent action, based on a regulated child protection system.</li> <li>▪ Based on the statistics presented by the <i>Ministry of Gender Equality, Child Development and Family Welfare</i>, in 2011 there were <b>165 children in residential care and 18 children placed in foster care</b> (see statistics table below). However, based on the numbers presented in the <i>2011-2012 report of the Ombudsperson for Children</i> (Chapter 7 – residential care institutions), as at 19 June 2012, there were <b>485 children who had been placed in 16 shelters</b> by the Child Development Unit (CDU). When these figures are compared, it seems that there are disparities in the statistics probably due to a lack of</li> </ul>

	<p>global coordination, control and monitoring.</p> <p>Sources :</p> <p>CRIN, Publication, Mauritius National Laws: <a href="http://www.crin.org/en/library/publications/mauritius-national-laws">http://www.crin.org/en/library/publications/mauritius-national-laws</a> ; CIA World Fact Book, Mauritius: <a href="https://www.cia.gov/library/publications/the-world-factbook/geos/mp.html">https://www.cia.gov/library/publications/the-world-factbook/geos/mp.html</a>; 9<sup>th</sup> Annual report of the Ombudsperson for Children for the year 2011-2012, Ombudsperson for Children’s Office, Mauritius Government: <a href="http://www.gov.mu/portal/sites/ncb/oco/report2012.htm">http://www.gov.mu/portal/sites/ncb/oco/report2012.htm</a> ; Study on Street Children in Mauritius, Safire NGO, 2012 : <a href="http://safire-ngo.org/assets/pdf/thematic/Report_on_Street_Children.pdf">http://safire-ngo.org/assets/pdf/thematic/Report_on_Street_Children.pdf</a> ; US Department of State, Trafficking in Persons Report 2013 (Mauritius) : <a href="http://www.state.gov/documents/organization/210740.pdf">http://www.state.gov/documents/organization/210740.pdf</a>; Ministry of Gender Equality, Child Development and Family Welfare - Child Development Unit: <a href="http://gender.gov.mu/English/Pages/Units/Child-Development-Unit.aspx">http://gender.gov.mu/English/Pages/Units/Child-Development-Unit.aspx</a> ; Statistics in Mauritius – A Gender Approach, Ministry of Gender Equality, Child Development and Family Welfare, February 2013 : <a href="http://gender.gov.mu/English/Documents/Statistics%20in%20Mauritius%20-%20A%20Gender%20Approach%2024.07.13.pdf">http://gender.gov.mu/English/Documents/Statistics%20in%20Mauritius%20-%20A%20Gender%20Approach%2024.07.13.pdf</a></p>
<p><b>ALTERNATIVE CARE OPTIONS</b></p>	<ul style="list-style-type: none"> <li>▪ There are <b>limited alternative care options outside institutionalisation</b> and the residential care institutions in Mauritius are mostly private entities. Due to the weakness of the governmental monitoring and support system, several cases of abuse and children’s rights violations are reported, notably by the <i>Ombudsperson for Children</i> in its 2011-2012 report: <ul style="list-style-type: none"> <li>○ one Residential Care Institution (RCI) was taking care of 131 children placed there for various reasons: victims of trafficking, abandonment, and negligence, homeless or at risk children. Out of these children 21 were babies. The overcrowded institution lacked all infrastructure and human resources to take care of so many children with psychosocial and emotional support needs (see Chapter 7 – residential care institutions, chapter 7.3). Even if the situation for some of the children changed (8 babies placed in foster families, around 30 boys and girls transferred to other RCI), there is no guarantee that the situation changed in this institution.</li> <li>○ children identified as having psychological and/or mental issues were put in institutions and forbidden to go to school because of their condition. A second evaluation concluded that they were fine and there was no reason for them to be placed in such institutions.</li> </ul> </li> <li>▪ Another source of concern is related to the statistics of the <i>Ministry of Gender Equality, Child Development and Family Welfare</i> which show that the highest percentage of children in residential care (almost 35%) are between 0 and 5 years old, although, as outlined in the 2009 Alternative Care Guidelines (paragraph 22), the placement of children under three years in institutions should be abolished.</li> </ul> <p>Sources :</p> <p>9<sup>th</sup> Annual report of the Ombudsperson for Children for the year 2011-2012, Mauritius Government; <a href="http://www.gov.mu/portal/sites/ncb/oco/report2012.htm">http://www.gov.mu/portal/sites/ncb/oco/report2012.htm</a> ; Ministry of Gender Equality, Child Development and Family Welfare - Child Development Unit: <a href="http://gender.gov.mu/English/Pages/Units/Child-Development-Unit.aspx">http://gender.gov.mu/English/Pages/Units/Child-Development-Unit.aspx</a> ; Statistics in Mauritius – A Gender Approach, Ministry of Gender Equality, Child Development and Family Welfare, February 2013 : <a href="http://gender.gov.mu/English/Documents/Statistics%20in%20Mauritius%20-%20A%20Gender%20Approach%2024.07.13.pdf">http://gender.gov.mu/English/Documents/Statistics%20in%20Mauritius%20-%20A%20Gender%20Approach%2024.07.13.pdf</a> ; African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN): <a href="http://www.anppcan.org/">http://www.anppcan.org/</a></p>
<p><b>ADOPTION</b></p>	<ul style="list-style-type: none"> <li>▪ The number of international adoption in Mauritius is quite low (see table in statistics section).</li> <li>▪ Mauritius ratified the THC-93 which entered into force in 1999, but the government took some time to amend its laws in order to fully implement the Hague Adoption Convention. For example, it is only since 2013 that Mauritius requires prospective adoptive parents to seek an authorized intermediary and that no independent adoptions are allowed anymore.</li> </ul>

A legal framework for the domestic and intercountry adoption of children in Mauritius is currently being developed in collaboration with the National Adoption Council (NAC).

- The Prime Minister’s Office processes all intercountry adoption applications and the National Adoption Council operates under its aegis.
- Prospective adoptive parents can be married couples or singles (minimum 30 years old), but unmarried couples are not accepted. The minimum age difference between the prospective adoptive parents and the adoptee must be of 15 years at least.
- The religion of the prospective adoptive parents can influence the decision, such as the fact of having a sterility condition medically established.
- The adoptee older than 15 years old needs to give her/his written consent.
- Mauritius recognizes full and simple adoptions.

Sources :

*Country of Origin, Country Profile for Intercountry Adoption*, September 2012, The Hague Conference on Private International Law: [http://www.hcch.net/upload/adop2010cp\\_mu.pdf](http://www.hcch.net/upload/adop2010cp_mu.pdf) ; Swiss government: [https://www.bj.admin.ch//content/bj/fr/home/themen/gesellschaft/internationale\\_adoption/herkunftslaender/mauritius.html](https://www.bj.admin.ch//content/bj/fr/home/themen/gesellschaft/internationale_adoption/herkunftslaender/mauritius.html) ; French Ministry of External Affairs: [http://www.diplomatie.gouv.fr/fr/actions-france\\_830/adoption-internationale\\_2605/pays-origine\\_3233/fiches-pays\\_3895/maurice\\_9617.html](http://www.diplomatie.gouv.fr/fr/actions-france_830/adoption-internationale_2605/pays-origine_3233/fiches-pays_3895/maurice_9617.html) ; US State Department: [http://adoption.state.gov/country\\_information/country\\_specific\\_info.php?country-select=mauritius](http://adoption.state.gov/country_information/country_specific_info.php?country-select=mauritius) ; Mauritius Prime Minister’s Office: <http://pmo.gov.mu/English/dha/Mandate/Pages/Adoption-Matters.aspx> ; Article: “Adoption: un cadre légal en adoption”, Le Mauricien, 13 November 2013: <http://www.lemauricien.com/article/adoption-cadre-legal-en-elaboration-selon-mireille-martin>

## STATISTICS

Number of children deprived of their family placed in institutions by age and by sex 2010-2011:

Age group (years)	2010			2011		
	Male	Female	Both sexes	Male	Female	Both sexes
0 - 5	41	28	69	34	23	57
6 - 10	25	30	55	26	30	56
11 - 15	19	29	48	14	26	40
16 - 20	2	8	10	1	11	12
<b>Total</b>	<b>87</b>	<b>95</b>	<b>182</b>	<b>75</b>	<b>90</b>	<b>165</b>

Number of children placed in foster care 2009-2011:

Year	Male	Female	Both sexes	Urban	Rural	Both sexes
2009	3	6	9	3	6	9
2010	2	3	5	1	4	5
2011	9	9	18	3	15	18

Number of intercountry adoptions in Mauritius 2009 – 2011:

Year	Male	Female	Both sexes	Urban	Rural	Both sexes
2009	3	9	12	11	1	12
2010	4	6	10	7	3	10
2011	3	11	14	8	6	14

Sources :

Statistics in Mauritius – A Gender Approach, Ministry of Gender Equality, Child Development and Family Welfare, February 2013 (Section 9: Children): <http://gender.gov.mu/English/Documents/Statistics%20in%20Mauritius%20-%20A%20Gender%20Approach%202012.07.13.pdf>

## RISKS

- Lack of both residential and foster care monitoring .
- Non respect of the rights of children with special needs.
- Institutionalization of children under 3 which put their full and harmonious development at high risk.
- Abuses in the framework of independent adoption have been reported by the French Central Authority in 2013 - while new provisions were taken by Mauritius to prohibit that

	<p>kind of adoptions - at the level of the matching process (child identification by an unauthorized intermediary, even before the birth of the child, which is contrary to the international standards) and the establishment of the adoptability of the child. (Source: <a href="http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption/fiches-pays-adoption/article/adopter-a-maurice">http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption/fiches-pays-adoption/article/adopter-a-maurice</a> )</p>
<p><b>POTENTIAL QUESTIONS</b></p>	<ul style="list-style-type: none"> <li>▪ Is Mauritius considering conducting a national evaluation of the protection system of children deprived of their family in order to identify strengths, weaknesses and needs?</li> <li>▪ What kinds of programs are being developed to tackle poverty which is the first reason why children benefit from alternative care measures? Do these programs include prevention and support to the children’s biological families?</li> <li>▪ Has a deinstitutionalisation program been established and alternative care options for the institutionalised children developed such as family reunification, emergency or permanent alternative families?</li> <li>▪ Is a system of automatic registration of children entering in the alternative care functioning?</li> <li>▪ What kind of monitoring and inspection mechanisms are currently in place to control the quality of alternative care provided by residential care institutions to children separated from their family?</li> <li>▪ Are foster care and other forms of family-based care solutions planed to be developed in order to avoid the systematic institutionalisation of children deprived of their family?</li> <li>▪ What kinds of measures are taken/foreseen to fight against abuses and rights’ violations faced by children benefitting from alternative care measures?</li> <li>▪ Do specialist alternative families for children with special needs exist in Mauritius and are they monitored and supported?</li> <li>▪ Regarding the care of children under 3 years old, will Mauritius ban their institutionalization and develop family-based care alternatives, as promoted in the 2009 Alternative Care Guidelines?</li> <li>▪ Regarding abuses due to the lack of monitoring of private intermediaries in adoption procedures, has the government of Mauritius undertaken all the appropriate measures? Among these measures, are the matching process and the establishment of the adoptability of the child systematically under the responsibility of a public authorized body?</li> </ul>