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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on her visit to the Republic of Mauritius

Comments by the State*

* The present document is being issued without formal editing.



SN	Comments and views – Ministry of Gender Equality and Family Welfare
1.	Cover page – to read as “Visit to the Republic of Mauritius” instead of “ <i>Visit to the Mauritius</i> ”
2.	<p>Pg. 3. Field code changed for footnote No:2 https://worldpopulationreview.com/countries/mauritius-population.</p>
3.	<p>Point 11. “<i>The actual extent and prevalence of various manifestations of sexual abuse and exploitation is unknown due to the clandestine nature of these offences, lack of comprehensive, disaggregated and systematically collected data on number of cases reported, investigations and prosecutions undertaken.</i>”</p> <p>Comments and views: The various manifestations of sexual abuse and exploitation are systematically collected and recorded at the level of the Child Development Unit and the Statistics Unit of the Ministry. Cases are recorded as: sexual abuse, sodomy, attempt to chastity, causing child to be sexually abused, sexual intercourse with minor under 16, incest, child kidnapping, child trafficking, child mendacity, child labor, child prostitution. Records of the manifestations are also registered at the level of the 8 CDU Outstations for assessments, supports and follow-up as appropriate. The Police Department also keeps records of the cases, especially when a specific case is under investigation.</p> <p>Records of investigations and prosecutions are registered at the level of the Mauritius Police Force and the Office of the Director of Public Prosecutions.</p> <p>Point 11. “<i>The lack of cohesive data sharing amongst various child protection agencies is further exacerbated by underreporting [...]</i>”</p> <p>Comments and views: Data are shared among the relevant Authorities, whenever formal requests are made, in-line with report writing, international reporting, parliamentary questions, case conferences, bilateral meetings, amongst others.</p>
4.	<p>Point 13. “<i>Because of its apparent 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 and is not discussed in the society nor is it seen as a form of exploitation.</i>”</p> <p>Alleged cases of sexual abuse, prostitution and potential cases of commercial sexual exploitation of children are referred to the Police for investigation. Joint interviews are carried-out by both CDU Officers and the Bridage Pour La Protection de la Famille to determine the potential nature of the case and in-depth investigations are carried-out whenever required.</p>
5.	<p>Point 19. “<i>Discussions with interlocutors revealed instances where families with children in marginalised communities were targeted to give up their child for the purpose of adoption. The discussions further divulged that once anonymous payments were made to the families, the child was typically reported to the CDU as adoptable. Furthermore, children of incarcerated parents or abandoned were often reportedly institutionalised without establishing who their custodians were.</i>”</p> <p>Comments and views: No such records are available at the level of the CDU. The following remarks should be reviewed as these are not backed by facts and may be a matter of concern and be prejudicial to the ministry.</p>

6.	Point 26. To read as “Cases can be reported anonymously on the hotline.” instead of “it is not anonymous.”
7.	<p>Point 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 sexual exploitation. Data sharing between child protection services, the police and the judiciary remains weak. There are also discrepancies in qualifying the type of violations and the crime due to difficulties in collecting information and identifying victims and perpetrators, this is mainly attributed to social perceptions and [...]”</p> <p>Comments and views: Data are shared among the relevant Authorities, whenever formal requests are made, in-line with report writing, international reporting, parliamentary questions, case conferences, bilateral meetings, amongst others.</p>
8.	<p>Point 64.</p> <p>To add Children’s Act 2020 instead of “<i>The Act 2020</i>”</p> <p>To strike off “<i>and the Cybersecurity and Cybercrime Act 2021</i>”</p> <p>To add The Cybersecurity and Cybercrime Act 2021 criminalises the misuse of fake profile, cyber extortion, cyber bullying and revenge pornography and on conviction an offender is liable to a fine not exceeding one million rupees or to penal servitude for a term not exceeding 20 years.</p>
9.	<p>Point 65.</p> <p>To read as 1000,000 instead of “200,000”</p> <p>To read as 10 years instead of 5 years</p>
10.	<p>Point 66.</p> <p>To read as <i>It was brought to the attention of the Special Rapporteur that under the Act-Criminal Code sexual maturity is set at 16 years of age when the a minor of 16 years of age [...]</i></p> <p>To add <i>This means that the abolition of child marriage in the Act therefore does not protect children aged between 16- and 18-year-old from being abused or sexually exploited by an adult if the act does not fall within one of the prohibited acts under the Children’s Act, the Combating of Trafficking in Persons Act or the Criminal Code.</i></p>
11.	<p>Point 68.</p> <p>The Special Rapporteur notes that sections 41 and 42 the Children’s Act does not repeal the section 18 of the Juvenile Offenders Act dealing with “Children with Serious Behavioural Concerns”, which allows [...]</p>

12.	<p>Point 71.</p> <p>To read as The Children’s Court 2020 instead of “<i>The Act</i>”</p>
13.	<p>Point 72.</p> <p>The Child Sex Offender Register Act 2020, enacted proclaimed in 2022, aims to establish a Child Sex Offender Register under the Commissioner of Police to assist in the detection and monitor investigation of sexual offences against children and the monitoring of sexual offences.</p>
14.	<p>Point 73.</p> <p>[...] where “trafficking” includes “the adoption of a person facilitated or secured through illegal means the adoption or custody of a person, including any act done by another person as intermediary for the purpose of an adoption or a custody, where such adoption or custody has been facilitated or secured through illegal means”, for the purpose of exploitation. Section 6A4 of the National Adoption Council Act 1987 prohibits the making or receiving of payment or reward for and in consideration of the adoption of a child by a non-citizen.</p>
15.	<p>Point 75.</p> <p>To read as The Cybersecurity and Cybercrime Act 2021 instead of “<i>The Cybersecurity and Cybercrime Bill 2021</i>”</p> <p>To read The Special Rapporteur notes that the Act does not make [...] instead of <i>The Special Rapporteur notes that the Bill does make [...]</i></p>
16.	<p>Point 81.</p> <p>To add [...] children under 18 years of age by non-citizens.</p> <p>National adoptions are also intended to be regulated under the National Adoption Bill by the National Adoption Council.</p>
17.	<p>Point 90.</p> <p>All cases of child ill-treatment, child trafficking, abduction, sexual abuse, neglect and exploitation which are reported to the CDU for enquiry. The cases are simultaneously also reported to the police for investigation. The Police informs the CDU in case of such reported cases. After completion of enquiry by the Police, the case and is referred to the Office of the Director for Public Prosecutions (DPP) for advice on prosecution.</p>
18.	<p>Point 93.</p> <p><i>The Special Rapporteur was informed that when the case is reported to the police, the child is asked to first write the testimony with pencil for the police officer to read it out loud. If the text is fine, the child is asked to reproduce the text with pen which is an extremely traumatising experience. There are no private wards dedicated for child victims of abuse in the hospital. If the medical professional responsible for examining the child is not available, the examination of the child victim is postponed to the following day. The police is understaffed, not sufficiently or adequately trained on child-</i></p>

	<p><i>friendly administration of justice and data protection issues and do not have facilities, including proper psychometric diagnostic tests. Some police officers mentioned difficulties to detect and identify victims and perpetrators, collect witness testimonies for prompt investigation and prosecution.</i></p> <p>Comments and views</p> <p>The recording of statements/testimony from children as victims involves the following steps in a chronological order:</p> <p>I. The child victim is seen by a Psychologist from the Child Protection Services of the Ministry of Gender Equality & Family Welfare. An assessment is made by the Psychologist;</p> <p>II. After the assessment, Police is entitled to interview the child victim in one of the offices of the Brigade Pour La Protection De La Famille which is child-friendly and conducive;</p> <p>III. The Interview is always carried out in presence of the responsible party of the child-victim;</p> <p>IV. The questions are set in simple and clear terms to child-victim and all the replies recorded verbatim to ensure that there is no distortion of any facts, that words are not put in the mouth of the child-victim; in some exceptional cases, child-victim usually makes some drawings to try to explain and depict any acts of violence or abuse committed upon him/her;</p> <p>V. In cases where the child-victim requires an interpreter, needful is done by Police to have the services of a qualified interpreter from the Ministry of Social Security or the Ministry of Health & Wellness;</p> <p>VI. After the recording of the statement/testimony, the Police Officer reads the statements to the child-victim in presence of the responsible party present;</p> <p>VII. Each page of the statement/testimony is signed by child-victim, the responsible party and the recording officer;</p> <p>It is to be noted that referrals of all cases involving children as victims are made to the Ministry of Gender Equality & Family Welfare for Psycho-Social Support.</p> <p>Police Medical Officers are on call after working hours and during the weekends and public holidays to attend to any case of Sexual abuse.</p>
19.	<p>Point 94.</p> <p><i>The Special Rapporteur was informed that as of 2022, the Minors Brigade and the Family Protection Unit have merged with the “brigade pour la protection de la famille”. About 100 police officers will take over all matters relating to the child and the family as well as elderly persons. Some police officers were reassigned from criminal investigation units to the Minors Brigade without having undergone thorough and in-depth sensitization and training.</i></p> <p>Comments and views</p> <p>following the advent of the Children’s Act 2020, the “Brigade Pour La Protection Des Mineurs” and the “ex-police Family Protection Unit” merged together under one umbrella and known as the “Brigade Pour La Protection De La Famille” (BPF). The BPF aims at the following:</p> <p>I. Providing a professional service;</p> <p>II. Ensuring gender-responsive policing;</p> <p>III. Strengthening the response in dealing with women, girls, boys, elderly and the the handicapped;</p> <p>IV. to be more accessible to the community and the most vulnerable and marginalized ones in the society;</p> <p>In-House trainings are held for all new intakes at the BPF. Tailor made trainings have been held by the Police Training School for officers of the BPF.</p> <p>Inhouse training:</p>

SN	Date	Subject	No of Sessions	No of Police Officers attending
1	Feb-April 2022	Induction Course	3	18
2	March 2022	Data Collection	1	9
3	March 2022	National Strategic and Action Plan	1	10
4	March-April 2022	Recording of statement in cases of Child abuse	9	70
5	April 2022	How to deliver talk at school & Colleges	8	65
6	May 2022	Customer Care and communication Skills at work place	1	8
7	June 2022	Gender Based Violence	2	15
8	June 2022	Awareness Campaign on Dangerous Drugs and Abuse Prevention	2	33
		TOTAL	25	228

Training of Police Officers on GBV:

SN	Date	Subject	Ranks	No of sessions	No of Police Officers attending
1	January Up to November 2022	Children Act 2020	PCs/WPCs	12	405
2		Domestic Violence	PCs/WPCs	1	46
3		Child Sex Offenders and Children Court	PCs/WPCs	1	36
4		Newly promoted sergeants/Corporals Development Course	CPLs/PS	5	164
5		PDVA/Elderly Act	PC	2	61
6		Children Act 2020, PDVA & Elderly	TPCs/TWPCs	28	1130
		TOTAL		49	1842

20. Point 100.
- To read as [...] the 9 Child Protection Services of the CDU [...] instead of [...] *the 6 Child Protection Services of the CDU*
21. Point 101.
- To read as There are 23 residential care institutions out of which 5 are Government owned and 18 residential care institutions are run by NGOs, housing 518 children as of October 2022 instead of *There are 23 residential care institutions of which 4 are Government owned and 19 residential care institutions are run by NGOs, housing 556 children as of 2021.*
22. Point 102.
- To read as [...] the Child Protection Place of Safety for the Welfare and Protection of Children Regulations 2019, (since January 2022, the Residential Care institution for Children Regulation 2022) [...]
- Comments and views
The Child Protection Place of Safety for the Welfare and Protection of Children Regulations 2019 – Superseded by the 2022 regulations
23. Point 111.
- To read as Under section 40 of the Children's Act's 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. ~~new regulations, the government is in charge of parent child contact activities which~~ [This?] *largely affects the role of NGOs running RCIs in the family and social reintegration*

	<i>process of its child residents and the frequency of visits and follow-ups due to the slow turnaround time in communicating with and responding to requests from the NGOs running the RCIs.</i>
24.	<p>Recommendations</p> <p>Point 119.</p> <p>Legislative, institutional and policy framework:</p> <p>(a) To read as Cybercrime Act instead of <i>Cybercrime Bill</i></p> <p>Investigation, prosecution and sanctions:</p> <p>(e) To add Regularly update information on child victims whilst respecting their right to privacy</p>