**Inputs to Migrants’ Right to Liberty**

Part A: General Information

1. **Please describe the process by which migrants are detained in your country.Which authorities are tasked with this responsibility? Who or what body oversees these authorities?**

All migrant workers are being considered as a resident for a specific period and they enjoy all the fundamental rights and privileged in accordance with the Constitution of Mauritius to wit the right of the individual to life, liberty, freedom, expression and protection.

1. Migrants are detained in Mauritius only if they are involved in serious cases which are punishable by the Mauritius Laws.
2. Migrants are arrested by Law Enforcement Officers that is uniformed Police Officer, Criminal Investigation Division, Anti-Drug and Smuggling Unit, Passport and Immigration Office. They are kept under Police supervision in Police Cell or remand to Jail pending completion of enquiry, and court procedure. After their arrest and detention, the relevant Embassy is being informed accordingly.
3. The Minister of Defence and the Commissioner of Police.
4. **Where do arrests and detentions take place? Is force typically used during arrest or detention? Are there standards for treatment of migrants during an arrest? To what extent are migrants informed of what is going on during an arrest (why they are being detained, possible charges against them, etc.)?**

Whilst the police is empowered to arrest a person under the Police Act, yet there are safeguards under the Constitution guaranteeing the rights of an arrested and detained person. Relevant sections of the Constitution are as follows:

1. **Section 5 (1) of the Constitution provides that-**

*"No person shall be deprived of his personal liberty save as may be authorised by law-*

*(a) in consequence of his unfitness to plead to a criminal charge or in execution of the sentence or order of a Court, whether in Mauritius or elsewhere, in respect of a criminal offence of which he has been convicted;*

*(b) in execution of the order of a Court punishing him for contempt of that Court or of another Court:
(c) in execution of the order of a Court made to secure the fulfilment of any obligation imposed on him by law;*

*(d)for the purpose of bringing him before a Court in execution of the order of a Court:*

*(e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence:*

*(f)in the case of a person who has not attained the age of* 18 *years, for the purpose of his education or welfare;*

*(g) for the purpose of preventing the spread of an infectious or contagious disease:*

*(h) in the case of a person who is, or is reasonably suspected to be, of unsound mind or addicted to drugs or alcohol, for the purpose of his care or treatment or the protection of thecommunity:*

*(i) for the purpose of preventing the unlawful entry of that person into Mauritius, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Mauritius or the taking of proceedings relating thereto;*

*(j) upon reasonable suspicion of his being likely to commit breaches of the peace; or*

*(k) in execution of the order of the Commissioner of Police, upon reasonable suspicion of his having engaged in, or being about to engage in, activities likely to cause a serious threat to public safety or public order. "*

**(ii) Section 5 (2) of the Constitution provides that**-

*'Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention. "*

 **(iii) Section 5 (3) of the Constitution provides that-**

*"Any person who is arrested or detained-*

*(a) for the purpose of bringing him before a Court in execution of the order of a Court;*

*(b) upon reasonable suspicion of his having committed, or being about to commit a criminal offence; or*

*(c) upon reasonable suspicion of his being likely to commit breaches of the peace, and who is not released, shall be afforded reasonable facilities to consult a legal representative of his own choice and shall be brought without undue delay before a Court; and if any person arrested or detained as mentioned in paragraph (b) is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including, in particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial; and if any person arrested or detained as mentioned in paragraph (c) is not brought before a Court within a reasonable time in order that the Court may decide whether to order him to give security for his good behaviour, then, without prejudice to any further proceedings that may be brought against him, he shall be released unconditionally. "*

 **(iv) Section 10 of the Constitution guarantees protection of the law namely-**

*"Every person who is charged with a criminal offence-*

*(a) shall be presumed to be innocent until he is proved or has pleaded guilty;*

*(b) shall be informed as soon as reasonably practicable, in a language that he understands and, in detail, of the nature of the offence;*

*(c) shall be given adequate time and facilities for the preparation of his defence;*

*(d) shall be permitted to defend himself fin person or, at his own expense, by a legal representative of his own choice or, where so prescribed, by a legal representative provided at the public expense;*

*(e) shall be afforded facilities to examine, in person or by his legal representative, the witnesses called by the prosecution before any Court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that Court on the same conditions as those applying to witnesses called by the prosecution; and*

*(f) shall be permitted to have without payment the assistance of an interpreter ifhe cannot understand the language used at the trial of the offence. "*

Arrests normally take place at the scene of the offence or, if the migrant is wanted by the Police, at any place where he/she can be found or at the Police Station where he/she surrenders. Generally, after the arrest, the accuses is brought before the Magistrate to be bailed out. Exceptionally, he/she is detained at the Police Station or at a Detention Centre.

Force is not used during arrest or detention.The standard of treatment for migrants are the same as of any citizen of Mauritius. The Constitutional rights are respected. Prior to arrest, the migrant workers are being informed about and the reason for their arrest in a language which they understand and are informed of their constitutional rights.

1. **Who are the personnel that staff facilities that hold people in detention (corrections officers, law enforcement, social workers, etc.)? What are the professional qualifications of staff at these detention facilities? Who oversees staff at detention facilities?**

Police personnel staff the detention facilities. A Police Officer is placed on sentry over the detained migrant. His basic qualification is the School Certificate. A Supervising Officer (Sergeant and above) oversees the staff at detention facilities.

1. **Who owns the facilities used to house migrants who are detained? Who operates the facilities used to house detained migrants? Are facilities that house detained migrants public or private?**

The facilities used to house detained migrants are owned by the government of Mauritius, and operated by the Police Department, that is they are public facilities.

1. **Does your country monitor detention facilities? Who monitors detention facilities? What are the standards that detention facilitiesmust adhere to?**

In Mauritius, detention facilities are monitored by the staff of the Police Station or Detention Centre. CCTV Surveillance Systems are furthermore installed in Police Stations and Detention Centres for monitoring purposes.

Standards that detention facilities must adhere to are:

1. Police Officers must be alert at all times;
2. The operational functions of the CCTV system for the past 24 hours are checked on a daily basis and a certificate is inserted to that effect in the Diary Book;
3. Only authorized persons are allowed access to the Digital Video Recorder (DVR) or any other parts of the CCTV system;
4. All defects/faults are reported within the least possible delay to the technicians;
5. The wall-mounted cabinet containing the DVR system is always kept clean and tidy, under lock and key and free from risk and damage;
6. CCTV cameras installed in cells for keeping female detainees must at all times be viewed and manned by Women Police Officers;
7. Any irregularity observed in the cells, through CCTV, must be reported to the Divisional Commander for immediate actions.
8. **During detention, do detainees have access to communication with their families, legal counsel, and their own consular authorities? Are detainees provided with information on the process they are going through?**

Please refer to inputs to Question 2.

Detainees do have access to communication with their families, legal counsel and their own consular authorities. The detainees are provided with information on the process they are going through.

1. **Are the particular needs of women and other groups of people met? Is consideration given to the status of asylum seekers, victims of torture and trafficking, and other migrants who are particularly vulnerable?**
2. Mauritius being a small and densely populated island with stretched limited resources has
not yet adopted a policy or laws to grant refugee status to foreigners. Itdoes however
attempt to treat applications for refugee status or political asylum on a humanitarian, case
to case basis by facilitating their settlement in a friendly country willing to receive them.
3. As regards to victims of Torture and Trafficking, provision has been made by the Law i.e Combating Trafficking in Person Act 2009.
4. The particular needs of all persons including women and vulnerable groups, are met.
5. **Does the detention process look any different if minors are involved**?

It is not to the knowledge of this Office that there are migrants who are minors that are
allowed to come and work in the country.

Minors are detained at a Juvenile Detention Centre (Petite Riviere Juvenile Detention Centre). Their relatives are informed after their arrest. Their statements are recorded in presence of their parents or guardians. They are bailed out after arrest and detained only in exceptional circumstances.

Part B: Legal Treatment

1. **What is the legal basis for detaining migrants in your country? What purpose does detention of irregular migrants serve? How has this purpose been articulated through** legislation and **through the judicial system and public policies? Please identify any relevant cases in your country’s court system.**
* There is no specific law governing migrants and section 5 (1) (a) - (k) of the Constitution
provides for instances where a person may be deprived of his personal liberty as may be
authorised by law. Should a migrant commit an offence under a law in force in Mauritius and if it is an arrestable offence, the migrant may be so arrested and detained. There is also the possibility under the Deportation Act for a person to be deported subject to the procedures laid down in sections 5 and 6 of the Deportation Act.
* Specific offences are set out in section 22 of the Immigration Act, the commission of which, on conviction, shall, on conviction, could render the offender liable to a fine not exceeding 10,000 rupees or to imprisonment for a term not exceeding 12 months.
* In case of any other contravention of the Immigration Act for which no specific penalty is
elsewhere provided in the Act, the offender shall on conviction, be liable to a fine not exceeding 2,000 rupees or to imprisonment for a term not exceeding 6 months.
* **Section 5 of the Deportation Act reads as follows-**

*(1)) Subject to subsection* (6), *where it is proposed to make a deportation order in respect of any person, a notice signed by or under the authority of the Minister shall be served on that person specifying the grounds with sufficient particulars on which it is proposed to make the order and requiring him to show cause before a Magistrate in Chambers, at a time specified in the notice, why the order should not be made.*

*(2) Where it is represented on oath or affidavit to a Magistrate that a person charged is a convicted person, an undesirable person, a destitute person or a prohibited immigrant, the Magistrate may issue a warrant for his arrest and, where the notice mentioned in subsection* (1) *has not already been served upon him, it shall be* so *served upon him not later than* 24 *hours after his arrest.*

*(3) Every witness whose evidence may be required before the Magistrate in Chambers in proceedings taken under this section shall be summoned by a writ of subpoena issued at the instance of a police officer or a person charged and any such witness who fails to appear shall be dealt with in the manner provided for in section* 128 *of the Courts Act.*

*(4) The Magistrate, after considering the evidence adduced before him and making such further investigations as he considers to be desirable, shall make a report to the Minister setting out his findings of fact and his conclusions on any questions of law involved.*

*(5) (a) On receipt of a Magistrate's report, the Minister may, having regard to the findings of fact andany conclusions of law as stated in the report, make a deportation order.*

*(b) The Minister shall not be bound by the findings of the Magistrate.*

*(6) Where the Minister is satisfied that it is necessary to do so in the interests of defence, public safetyor public order, he may make a deportation order in respect of an undesirable person or a prohibited immigrant where he has-*

*(a) caused a notice under his hand to be served on that person stating, in such terms as he may determine, the grounds on which it is proposed to make the order and requiring that person to show cause in writing,within such time as shall be stated in the notice, why the order should not be made; and (b) considered any representations made under paragraph (a) by the person in respect of whom it is proposed to make the order."*

* **Section 6 of the Deportation Act reads as follows**-

*"Where a Magistrate has made a report to the Minister under section* 5, *he may order that the person charged be detained in such manner as he may direct pending the decision of the Minister for a period not exceeding* 28 *days and such person shall be deemed to be in legal custody whilst* so *detained.”*

The legal basis for detaining all accused, including migrants, in Mauritius are the risks of absconding, risk of re-offending and risk of administration of justice (section 4(1) Bail Act 19999; and the cases of (1) Maloupe v District Magistrate of Grand Port and DPP 2000 SC) 223mr 264 AND (2) Hurnam v The State 2004 PRV 53 MR 243).

1. **Is immigration governed by criminal law or administrative law?**

Immigration is governed by both criminal law and administrative law**.**

Immigration is governed by the provisions of the Immigration Act, Passports *Act,* Passport Regulations and in this context it can be said that the Passport and Immigration Office which manages border control at ports of arrival, does so administratively under the authority of the Immigration Act.

Immigration is also governed by criminal law when there is non-compliance or any breach regarding the above mentioned legislations.

1. **Does the immigration detention proceed*ex officio* or there is an individualized analysis of its pertinence and proportionality?**

Immigration Act as a legal authority and detention proceed within the regulation actually in force.

1. **Does legislation establish a maximum amount of time for immigration detention? What is the maximum amount of time that someone can be detained? Are there any exceptions or extensions allowed by law?**
* **Section 5 (4) of the Constitution provides as follows-**

*"Where a person is detained in pursuance of any such provision of law as is referred to in
subsection* (1) *(k)-*

*(a) he shall, as soon as is reasonably practicable and, in any case not more than* 7 *days after the commencement of his detention, be furnished with a statement in writing in a language thathe understands specifying in detail the grounds upon which he is detained;*

*(b) not more than* 7 *days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision oflaw under which his detention is authorised;*

*(c) not more than* 14 *days after the commencement of his detention and thereafter during his
detention at intervals of not more than 30 days, his case shall be reviewed by an independent and impartial tribunal consisting of a Chairperson and* 2 *other members appointed by the Judicial and Legal Service Commission, the Chairperson being appointed from among persons who are entitled to practise as a barrister or as an attorney in Mauritius;*

*(d) he shall be afforded reasonable facilities to consult a legal representative of his own choice who shall be permitted to make representations to the tribunal appointed for the review of hiscase;*

*(e) at the hearing of his case by the tribunal, he shall be permitted to appear in person or by a legal representative of his own choice and, unless the tribunal otherwise directs, the hearing shall be held in public;*

*(f) at the conclusion of any review by a tribunal in pursuance of this subsection in any case, the tribunal shall announce its decision in public, stating whether or not there is, in its opinion sufficient cause for the detention, and if, in its opinion there* is *not sufficient cause, the detained person shall forthwith be released and if during the period of* 6 *months from his release he* is *again detained the tribunal established for the review of his case shall not decide that in its opinion there* is *sufficient cause for the further detention unless it* is *satisfied that new and reasonable grounds for the detention exist:"*

* **Section 6 of the Deportation Act provides that-**

*"Where a Magistrate has made a report to the Minister under section* ~ *he may order that the person charged be detained in such manner as he may direct pending the decision of the Minister for a period not exceeding* 28 *days and such person shall be deemed to be in legal custody whilst* so *detained.”*

1. **Does legislation provide any mechanism to challenge the legality of the detention?**

There is the possibility of challenging the decision of a public authority by way of judicial review. The delay to enter judicial review proceedings is 3 months from the date of the impugned decision. The matter would then follow due process of the Court.

An aggrieved party may also seek redress by way of a civil case claiming compensation as provided under section 5(5) of the Constitution, which reads as follows-

*"Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person.”*

The legality of the detention can be challenged by the aggrieved party. Under ***section 258*** of our ***Criminal Code*** detention is an offence if it is not authorized by law. The aggrieved party may also apply for a writ of ***habeas corpus*** before the Supreme Court. By virtue of that writ, the detaining party is required to bring the detainee before a Judge and show cause of the detention. The detainee has to be release if lawful grounds for detention are not shown**.**

1. **Is there any national legislation that guarantees legal representation or interpreters in immigration proceedings? Is there a guarantee of access to free legal representation?**
2. An accused party is entitled to legal representation and services of an interpreter as provided under sections 5(3) and 10 of the Constitution as quoted above.
3. Free legal representation is available under the Legal Aid and Legal Assistance Act upon
application by any interested party and upon satisfaction of the conditions specified under
the said Act.
4. **Is there any legislation that establishes the right to consular assistance for migrants? Is this right guaranteed in practice?**

No specific legislation in relation to consular assistance for migrants

1. **Does your country recognize the due process rights of non-citizens to the extent that it recognizes the due process rights of citizens? If not, what are the differences?**
2. Article 13 of the Code Civil Mauricien provides as follows-

*"L 'etranqer jouira a Maurice des memes droits civils que ceux qui sont ou seront accordes aux
Mauriciens par les traites de la nation cl laquelle cet etranqer appartiendra."*

1. Migrant workers enjoy the same terms and conditions of employment including minimum
wages as those laid down for local workers in our labour legislation.
2. The Employment Relations Act guarantees the fundamental right of migrant workers to freedom of association and protects their right to organise and engage in collective bargaining. Section 29 of the Act protects in unambiguous terms the right of workers to be or not to be a member of a trade union and to participate in trade union activities, including the right to seek and hold appointment or election as officers of a union. Section 30 of the Act protects trade union workers against acts of interference whilst section 31 of the Act protects workers against discrimination, victimisation, or termination of employment by the employer in the exercise of this right.
3. The Occupational Safety and Health (Employees' Lodging Accommodation) Regulations
2011 was promulgated in 28 January 2011. These regulations aim at establishing norms for
workers' lodging accommodations with a view to improving the standards of living
conditions in lodging accommodation provided to any employee including migrant workers.
4. Although Mauritius is not a signatory to the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990, the Government as far as possible applies the essence of the Convention in cases of disputes between migrant workers and their employer.
5. Section 3 of the Constitution provides for-

*It* is *hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms-*

 *(a) the right of the individual to life, liberty, security of the person and the protection of the law;*

 *(b) freedom of conscience, of expression, of assembly and association and freedom to establish schools;*

 *(c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,*

*and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection* as *are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest".*

1. Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either in itself or in its effect. The term "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description are not made subject or are accorded to privileges or advantages that are not accorded to persons of another such description.
2. The Equal Opportunities Act ensures better protection from discrimination as it prohibits both direct and indirect discrimination on the ground of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation.
3. Section 38(l) [a] of the Employment Rights Act provides that an agreement shall not be terminated by an employer by reason of a worker's race, colour, caste, national extraction,
social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status,
marital status or family responsibilities.
4. **Is information available to detainees regarding the processes of requesting asylum or applying for refugee status?**

Asylum seekers or applying for refugee’s status are not allowed in Mauritius.

1. **What do proceedings that determine migration status look like?Who is the decision-maker or decision-makers? What are the qualifications of the decision-makers? Are they appointed or elected?**

Prime Minister’s Office who is the decision maker.

1. **Is there a duty to ensure that decisions are duly motivated by legal reasoning? How is that ensured in practice?**

There is a duty to ensure that decisions are duly motivated by legal reasoning. In practice, advice is also sought from the Director of Public Prosecutions or the Solicitor General.

1. **How much time elapses after arrest before a determination of migration status is made? How long does the initial determination of status process take?**

Depend upon the case committed or offence committed.

1. **If families are involved, are their cases determined separately or together? Is consideration given to the special circumstances of children?**

Please refer to inputs to Question 8.

Different cases are generally determined separately. Where children are involved in any case, their human rights are respected.

1. **What are the consequences of a finding of irregular migration? Is an individual who is found to have entered the country in an irregular manner returned to detention or moved to a different facility? Are the conditions different for individuals found to be irregular migrants? Are irregular migrants eligible to be released on bond/bail until a final determination has been made?**
2. As regarding irregular migration, no such migrant has been found entering the country.
3. Irregular migrant’s condition of detention aredifferent to those who are subject to criminal issues.
4. Irregular migrants are not eligible on bail until a final determination.
5. **Is there a right to appeal of finding of irregular migration status? What does the appeal of a finding of irregular migration status look like? How much time elapses from a judgment of irregular migration status to an appeal? What due process guarantees are given during the appeal process of a finding of irregular migration status?Does the appeal process havesuspensive effect regarding deportations?**

Please refer to inputs to Question 5 above.

Part C: Impact on Detainees

1. **Please describe the impact that detention has on detainees’ physical and mental health.**
2. **Please describe the varying impacts on particularly vulnerable groups, including racial and ethnic minorities. What systems or practices are in place to prevent discrimination in both proceedings and detention?**
3. **Please describe the way in which detention of migrants in your country particularly affects children who are detained. How does the detention affect education? Are educational resources available in the facilities in which they are held? Please describe any of these programs.**
4. **Is consideration given to keeping families together?**
5. **Are children typically kept in detention? How long?**
6. **How does the detention of migrants in your country particularly affect women? Are health resources for women made available to women in detention? How can women in detention access health resources?Are resources available for pregnant women in detention? How are pregnant women accommodated with respect to the conditions of detention?**

Inputs will be submitted in the coming days.

Part D: Alternatives to Detention

1. **What alternatives to detention exist in your country? Please describe these alternatives to detention and how they are generally perceived and implemented in your country.**

Alternatives to detention that exist in Mauritius are:

1. Release on bail (section 3 of the Bail Act 1999). The suspect is arrested and brought as soon as possible before the Magistrate who shall release him on bail, subject to Police having no objection for his release. If the suspect cannot pay the amount of the recognizance fixed by the Magistrate, he may be detained;
2. Release on parole (section 12 of the Bail Act 1999). When a suspect is arrested, he should be brought before the Magistrate as soon as possible. If this is impracticable, he shall be released on parole unless a Police Officer not below the rank of an Assistant Superintendent of Police certifies in writing that the suspect, if released, is likely to abscond, tamper with evidence, interfere with witnesses, etc. Release on parole is release on the condition that the suspect surrenders the next day to the Police so that he be brought before the Magistrate, who may then release him on bail;
3. Unconditional release (section 12 of the Police Act 1974). In this case, the suspect is release without any condition. For example,when a person is arrested for a minor offence, he is release as soon as his names and address have been ascertained. He will, after the enquiry is complete, appear before the Court when summoned to answer the charge (formal charge) against him.
4. **Have all detaineesaccess to alternatives to detention? How many persons get an alternative to detention in comparison with the number of detainees?**

All the detainees have access to the alternatives to detention mentioned in the answer to question 1 above.

1. **Have there been any policies proposed in your country that could achieve the same objectives as detention?How have these proposals for alternatives to detention been received in your country? Are proposals for alternatives to detention generally met with favor or have they been rejected? Please describe the criticisms of the policies for alternatives to detention by the general public. If these proposals have been rejected, what was the rationale for rejecting them?**

The alternatives to detention have been working very well up to now in Mauritius. This is in line with the fundamental Constitutional right to liberty of every person.

Part E. Additional information

1. **Pleaseadd any other information that you consider to be relevant for the CMW to take into account in the elaboration of this general comment**s.

All migrant workers and families (where applicable) are in the country legally and as such they enjoyed all the privilege of the Citizen and in accordance with the Constitution of Mauritius.

Measures taken by the Ministry of Gender Equality, Child Development and Family Welfare to address issue of child trafficking and Commercial Sexual Exploitation of Children -

1. Reviewing existing legislation (Child Protection Act) to ensure that better protection is given to children victims of Child Trafficking and Commercial Sexual Exploitation of Children (CSEC) inclusive of child prostitution.

Child Protection Act (1994)

* Under Section 14 (1) of the of the Child Protection Act (1994), any person who causes, incites or allows any child -

(a) to be sexually abused by him or by another person:
(b) to have access to a brothel;

(c) to engage in prostitution,

shall commit an offence.

Moreover, any person who commits an offence under section 14 shall on conviction, liable to the following:

1. where the victim is mentally handicapped, to a fine not exceeding Rs 75,000 and to imprisonment for a term not exceeding 8 years;
2. in any other case, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 5 years.

Child Protection (Amendment) Act 2005

The Child Protection Act 1994 was further amended in December 2005 to make
provision for all cases of child trafficking, abandonment and abduction. The Act prohibits
all forms of child trafficking and prescribes punishment up to 30 years imprisonment in
established cases of child prostitution.

Section 13 A Child Trafficking:

1. Any person who willfully and unlawfully recruits, transports, transfers, harbours
or receives a child for the purpose of exploitation shall commit an offence and
shall, on conviction be liable to penal servitude for a term not exceeding 30
years.
2. Any person who willfully and unlawfully recruits, transports, harbours or receives a child

(a) outside Mauritius for the purpose of exploitation in Mauritius;
(b) in Mauritius for the purpose of exploitation outside Mauritius;

shall commit an offence and shall on conviction be liable to penal servitude for **a term not exceeding 30 years.**

**The Child Protection Act** provides for protection to children with respect to physical,
psychological, emotional or moral injury, as well as sexual offences and sexual
exploitation. Heavier penalties are imposed when sexual offences or sexual exploitation
are committed against mentally handicapped children.

2) Revisiting the institutional set up available for the provision of a continuum of care to victims of Child Trafficking and CSEC inclusive of child prostitution.

 3) Operationalizing a full-fledged Residential Care for CSEC victims at Grand River North West as from 26 May 2016.

4) Capacity building of all those working with children alleged victims or prone to child
 prostitution ranging from government officials, civil society/ NGO representatives, parents through Atelier Partage - Parents and counselling sessions and children themselves through School Child Protection Clubs and Children's Clubs.

5) Providing a full spectrum of thorough care and support inclusive of bio-medico,
psycho-socio, economic, legal to ensure lessening and removal of trauma as well as
development of resilience in children, victims of child prostitution.

6) Conducting sensitization campaigns on the ill-effects of child violence inclusive of
child prostitution to children in schools, children's clubs and school child protection clubs.
Awareness on identification of Signs and Symptoms of Child Trafficking: On 13 June
2018, 30 Airport Officials of ATOL were trained in identifying signs and symptoms of child
trafficking. Negotiation is also being ongoing with the said Organization for further
replication of the training programme so as to provide support in combating trafficking.

 7) Conducting multimedia campaigns on ill effects of child prostitution on a very regular basis.

 8) Since August there has been Increase in Capitation Grant payable to NGOs working with children victims of violence from Rs 378.27 to Rs 4001- per child per day.

9) In July 2017, a Technical Committee was set up to explore into the possibility of
coming up with a fast track Plan related to rehabilitation and reintegration of residents
placed in RCIs. In May 2018, the Cabinet took note and approved the recommendations
of the Technical Committee. They are presently being implemented.

10)The Sugar Industry Labour Welfare Fund is operating a surveillance mechanism
called the Community Child Watch Committees (CCWCs) to ensure that safe
neighbourhood conducive for the development of children is made available. Thus, it
provides for proximity service and surveillance of children exposed to any form of violence inclusive of sexual abuse, child prostitution and trafficking at local levels. It operates with the collaboration of a pool of volunteers, social workers, NGO's, community leaders and other key stakeholders; and focuses on children who are vulnerable and exposed to risks and abuse. There are presently 50 CCWCs across the island.