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| **Human Rights Council Advisory Committee**  **Unaccompanied Migrant Children and Adolescents and Human Rights**  **QUESTIONNAIRE** | | |
| **1.** | **General situation** |  |
| 1.1 | What is the situation of unaccompanied migrant children and adolescents in your country? | As at October 2015 no cases of unaccompanied migrant children and adolescents have been reported to the Ministry of Gender Equality, Child Development and Family Welfare.  However, it is to be noted that the Ministry deals with case of International Child Abduction and Child Trafficking.  Mauritius adhered to the Hague Convention on the Civil Aspects of International child Abduction in 1993. The Child Development Unit (CDU) of the Ministry of Gender Equality, CD & FW is the Central Authority for Mauritius dealing with cases of international child abduction and work in collaboration with other countries to ensure the return of children to their country of habitual residence.  Moreover, as per section 13C the Child Protection Act,  (1) “Any person who, by force or fraud, without the consent of the legal custodian -   1. takes away or causes to be taken away a child; or 2. leads away, decoys, entices or causes to be led away, decoyed or enticed, a child out of the keeping of the custodian or from any place where the child has been placed or is with the consent of the custodian   shall commit the offence of abduction, and shall, on conviction, be liable to penal servitude for a term not exceeding 25 years. [Amended 36/08]”  As for Child Trafficking, as per section 13A, the Child Protection Act stipulates the following:  (1) “Any person who wilfully and unlawfully recruits, transport, transfers, harbors 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 [Amended 36/08]”  (2) Any person who wilfully and unlawfully recruits, transports, transfers, harbors or receives a child -   1. outside Mauritius for the purpose of exploitation in Mauritius; 2. 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. [Amended 36/08]”  Present Status:   * As at 23 October 2015, 112 cases of child abduction have been reported and close follow-up being maintained with other Central Authorities to resolve the reported child abduction cases * Some 11 cases of child abduction were being attended to by the CDU as at 23 October 2015. * As at August 2015, 2 cases of child trafficking(**not involving migrant children and adolescents**) have been registered at the CDU |
| 1.2 | What are the main causes that force or encourage children and adolescents into situation of unaccompanied migration?  (a) Structural causes  (b) Immediate causes | Not applicable |
| 1.3 | Based on your experience, what are the transit, reception and living condition of unaccompanied children and adolescents in your region? | Not applicable |
| 1.4 | What are the main human rights violations faced by unaccompanied migrant children and adolescents in your region? Please give examples. | Not applicable |
| **2** | **Cross-cutting issues** |  |
| 2.1 | In connection with article 12 of the Convention on the Rights of the Child in your country or region, are there specific mechanisms or procedures to ensure that migrant children and adolescents’ views are heard and fully taken into account in all matters affecting them? If yes, please describe. | The Ministry of Gender Equality, Child Development and Family Welfare promotes initiatives that uphold the rights of expression of the child in respect of all matters affecting him/her .This right is fully exercised in court proceedings |
| 2.2 | If your answer to question 1.2 is positive, what have unaccompanied children or adolescents expressed as their main reasons for migrating? And what did they describe as their reception and living conditions in transit and destination countries? | Not applicable |
| 2.3 | Based on your experience, do you think the human rights violations inflicted on unaccompanied migrant children and adolescents are motivated by gender consideration? | Yes, there are gender dimensions to the human rights violations inflicted on unaccompanied migrant children and adolescents |
| 2.4 | In your country, what is the legal definition of a child/an adolescent? | As per the Child Protection Act 1994, a child is defined in Mauritius as -  “any unmarried person under the age of 18” |
| **3** | **Laws, policies and coordination mechanisms** |  |
| 3.1 | Do you consider that your country’s migration policies take into account the protection of the rights of migrant children and adolescents in general, and of unaccompanied migrant children and adolescents in particular? Is the migrant child/adolescent considered as a distinct right-holder? Are there any specific measures implemented to protect the rights of unaccompanied migrant children and adolescents? If yes, please provide details. | It may be timely to consider the 1996 Hague Convention on Jurisdiction ,Applicable Law ,Recognition ,Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children to which Mauritius is not a party.The convention is of crucial interest for unaccompanied minors crossing borders and finding themselves in a vulnerable situations in which they may be subject to exploitation and other risks . |
| 3.2 | In your country, are there specialized authorities/personal/ services trained to specifically deal with migrant children and adolescents (such as migration or border officers, psychosocial support, etc)? | No, but the Ministry of Gender, CD & FW has psychologists who provide psychosocial support to children victims of abuse. |
| 3.3 | What are the main challenges and barriers (legal, political, financial, administrative, economic, social and cultural) that impede the effective protection of unaccompanied migrant children and adolescents? | Lack of awareness and training at different levels. |
| 3.4 | Are there in your country coordination mechanism to ensure that relevant stakeholders effectively collaborate to elaborate effective measures to protect the rights of migrant children and adolescents, and monitor and evaluate their implementation? | It is worth noting that for Mauritius there is already well-established networking and coordination among the various mechanism/ministries working towards the elimination of child trafficking inclusive of child prostitution  A High Powered Working Together Committee was set up in 2010 to look into the avenues of collaboration amongst all stakeholders dealing with children.  The Working Together concept provides for the bringing in together all stakeholders in children matters and promotes discourse on holistic child policy matters. It also ensures the development of a common platform to coordinate all programmes and measures taken by all stakeholders concerned to protect children especially those victims of violence in a holistic manner. Moreover, it provides the development of Memorandum of Understanding regarding means and ways to collaborate in the handling of child abuse in an effective manner.  The Working Together application and effectiveness as a tool provides for:   1. holistic monitoring of the implementation of Protocols of Collaboration developed with all Ministries/Departments concerned; 2. constant policy dialogue on children’s matters; 3. the setting up of appropriate structures with qualified and child-friendly officers, including community based organisations to provide all necessary services to children and to their parents;   The Working Together effectiveness provides for:   1. close monitoring and follow-up on all cases referred to the CDU to ensure prompt action for rehabilitative purposes; 2. counselling services and psychotherapy to children victims, including services of psychologists and legal advisors to child victims and their parents, with the objective to work towards their reinsertion in their family environment; 3. ensuring proper enquiry and follow-up of all cases with collaborating agencies and establish a data-base on cases reported; 4. ensuring the protection of children and their supervision whilst in the custody of their parents; 5. ensuring that appropriate training programmes are organised for officers of all Ministries/Departments concerned with a view to empowering them to deal with child violence cases efficiently and in a holistic manner; 6. ensuring compliance with the Child Protection Act and its regulations; 7. monitoring of all cases of international child abduction and cooperate with other State Parties to the Hague Convention on the Civil Aspects of International Child Abduction.   Protocols of collaboration through signed Memorandum of Understanding exists between the CDU, the Police and the Ministry of Health and Quality of Life to ensure that a continuum of care is provided to the child victim since the notification and report of the case. The continuum of care is also sustained through MOUs signed between various other ministries forming part of a “Working Together Committee” and they are as follows:   1. Prime Minister’s Office (Civil Status Division) 2. Ministry of Education and Human Resources 3. Ministry of Youth and Sports 4. Attorney General’s Office 5. National Children’s Council 6. Ministry of Local Government & Outer Island 7. Ministry of Social Integration and Economic Empowerment 8. Ministry of Tourism and Leisure 9. Ministry of Social Security, National Security & Reform Institution   Should Mauritius face a problem of migrant children & adolescents, the same mechanism might be used to elaborate effective measures to protect their rights. |
| 3.5 | How do you collaborate with other countries in your region to guarantee the promotion, protection, respect and fulfilment of the rights of unaccompanied migrant children and adolescents during the various phases of their migration processes (departure, journey, stay in transit and reception countries, return to country of origin)? Please explain your answer. | Not applicable |
| **4.** | **Others** |  |
| 4.1 | In your opinion, what is the role of civil society organisation in the protection of unaccompanied migrant and adolescents? | The main role of civil society organisation is to engage in an Advocacy Role on the issue of unaccompanied migrant children and adolescents |
| 4.2 | Please provide examples of best practices with regard to issues related to unaccompanied migrant children and adolescents. | Refer to 3.4 |