

Distr.: General
9 November 2011
Arabic
Original: English



مجلس حقوق الإنسان

الدورة التاسعة عشرة

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية ببيع الأطفال وبغاء الأطفال واستغلال الأطفال في المواد الإباحية نجا معلا مجيد

إضافة

البعثة إلى موريشيوس*

موجز

تبحث المقررة الخاصة في هذا التقرير مسألة بيع الأطفال وبغاء الأطفال واستغلال الأطفال في المواد الإباحية في موريشيوس، وذلك على ضوء المعايير الدولية لحقوق الإنسان. واستناداً إلى المعلومات التي جمعت قبل الزيارة وأثناءها وبعدها، تسلط المقررة الخاصة الضوء على نطاق هذه المسائل وأسبابها الجذرية، فضلاً عن التدابير التشريعية والسياسية والبرنامجية التي اتخذت لمنع هذه الممارسات ولحماية الأطفال. كما تتناول الجهود التعاونية الدولية والإقليمية المبذولة في هذا المجال فضلاً عن الشراكات في القطاع الخاص. وأخيراً، تتقدم المقررة بتوصيات ملموسة بغية المساهمة في توطيد الجهود الجارية لإرساء استراتيجية وطنية تعنى بالأطفال، قائمة على أساس الحقوق وشاملة لمكافحة ومنع بيع الأطفال، وبغاء الأطفال واستغلال الأطفال في المواد الإباحية ولحماية حقوق الأطفال الضحايا والأطفال الذين هم عرضة لهذه الممارسات.

* يجري تعميم موجز هذا التقرير بكافة اللغات الرسمية. أما التقرير المرفق بهذا الموجز فيعمم باللغة التي قدم بها فحسب.

Annex

Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her mission to Mauritius (1-11 May 2011)

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction and objectives of the visit	1–6	3
II. National context	7–11	3
III. Situation analysis	12–24	4
A. Scope of the sale of children, child prostitution and child pornography	12–18	4
B. Root causes and risk factors	19–24	5
IV. Measures to combat and prevent the sale of children, child prostitution and child pornography	25–102	6
A. International and regional human rights instruments.....	25–28	6
B. Domestic legal and regulatory framework.....	29–45	7
C. Institutional framework	46–61	9
D. National policies, strategies and programmes	62–66	11
E. Specific programmes and services.....	67–82	12
F. Preventive measures	83–90	15
G. Child participation	91–92	16
H. Cooperation with the private sector.....	93–95	17
I. Monitoring.....	96–100	17
J. International and regional cooperation	101–102	18
V. Conclusions and recommendations.....	103–121	18
A. Conclusions	103–104	18
B. Recommendations	105–121	19

I. Introduction and objectives of the visit

1. The Special Rapporteur undertook an official visit to Mauritius from 1 to 11 May 2011, during which she met with stakeholders in various districts of Mauritius and in Rodrigues. She thanks the Government for its collaboration in organizing meetings with relevant Government officials, and for its cooperation and frank dialogue before, during and after the visit.

2. In Port-Louis, the Special Rapporteur met with the Prime Minister, the Minister of Gender Equality, Child Development and Family Welfare, and with representatives of the following Ministries: Foreign Affairs, Regional Integration and International Trade; Gender Equality, Child Development and Family Welfare (Child Development Unit (CDU), Family Support Bureau); Education and Human Resources; Finance and Economic Development, Tourism and Leisure, Health and Quality of Life, and Social Security, National Solidarity and Reform Institutions. She also met with the Ombudsperson for Children and her team, the Attorney General, the Parliamentary Counsel, the Director of Public Prosecutions, members of the judiciary (district court and intermediate court), the police (Family Protection Unit), the National Human Rights Commission, the National Adoption Council, the National Children's Council, the National Computer Board and the National Empowerment Foundation, and with representatives of the National Corporate Social Responsibility Committee. In Rodrigues, she met with the Commissioner for Child Development, representatives of the police, and the sole officer of the CDU.

3. The Special Rapporteur also met with representatives of non-governmental organizations (national and international), and visited programmes and care centres for children in vulnerable situations. She met with international financial and technical partners, and warmly thanks the United Nations Resident Coordinator's team for its assistance and guidance.

4. The objectives of the visit were, on the one hand, to explore the incidence of sale of children, child prostitution and child pornography, and on the other, to examine initiatives and measures undertaken in the areas of prevention, protection, care and assistance, rehabilitation, reintegration and reparation, as well as prosecution of abusers/exploiters. The Special Rapporteur paid particular attention to examining root causes of these phenomena and risk factors, as well as to the situation of children particularly vulnerable to these practices (girls, children living and/or working in the street; children not registered at birth; children without a family; migrant children; child workers; and children living in poverty or in rural regions).

5. During the visit, the Government approved the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In this regard, the Special Rapporteur also provided guidance to the Government on how best to implement the Optional Protocol at the domestic level.

6. Throughout the visit, the Special Rapporteur solicited the views of all stakeholders regarding the situation of the rights of the child in the country, on measures which have yielded some success, as well as on those which needed to be strengthened, with a view to making targeted conclusions and recommendations to be followed up effectively by all stakeholders concerned.

II. National context

7. Mauritius is composed of several islands and at 1 July 2010, it had a population of 1,281,214; of this total, 37,480 live in the island of Rodrigues.

8. Mauritius was colonized successively by the Dutch, the French and finally the English. The country became independent on 12 March 1968.

9. The Constitution does not mention an official language for the country. Nevertheless, English is used by the administration, while French is used in business and Creole is the native language of over 90 per cent of the population. The political system is a parliamentary democracy. Since, 2003, Rodrigues has assumed partial autonomy, with the establishment of the Rodrigues Regional Assembly; the Commissions cover various portfolios.

10. In its 2009-2011 Country Programme for Mauritius document, the United Nations Development Programme noted that, over the last decades, Mauritius had achieved spectacular economic success. With an annual growth rate of around 5 per cent in recent years, the country has diversified its economic activities, particularly in agriculture, manufacturing, tourism, and financial and business services. The country has also maintained its elaborate social welfare system. Nevertheless, pockets of poverty remain prevalent in specific regions, including Rodrigues. Women make up 61 per cent of the unemployed.

11. At the time of the visit, Mauritius was undergoing a process of transition and development with respect to numerous policy areas, including with respect to the reduction of poverty, evidenced by the creation in 2010 of the new Ministry for Social Integration and Economic Empowerment, and to child protection.

III. Situation analysis

A. Scope of the sale of children, child prostitution and child pornography

12. As in many other countries, the true scope of the sale of children, child prostitution and child pornography in Mauritius is difficult to measure. Such crimes are underreported, due to a lack of awareness of laws among children, families and communities; fear of retaliation, stigma or social exclusion; cultural resistance; and the clandestine nature of these offences. Another obstacle is the lack of national centralized information systems that use a clear and harmonized methodology for gathering and processing data. Thus, the actual extent of these offences in the country is not yet known

13. The most recent study on commercial sexual exploitation of children dates back to 2003; this national survey was commissioned by the Ministry of Women's Rights, Child Development and Family Welfare and the United Nations Children's Fund (UNICEF), and was carried out by the University of Mauritius. The recommendations of the report were considered as a basis for the 2003-2004 national action plan addressing the commercial sexual exploitation of children. At the time of the study, according to the survey's estimates, there were as many as 2,600 child victims of commercial sexual exploitation in Mauritius (and 3,900 adult sex workers—a ratio of four children to six adults).

14. While a more recent study has not been conducted, virtually all interlocutors during the visit were of the view that the problem of child prostitution, be it occasional or on a more regular basis, is growing.

15. The CDU registered two cases of child prostitution in 2010. According to the Director for Public Prosecutions, in 2010, five cases of "causing a child to be sexually abused (to engage in prostitution)" and one case of "procuring, enticing and exploiting prostitutes" were sent to prosecution. The Drop-in Centre (see para. 78 below) registered

four cases of child prostitution from January 2010 to December 2010, and one from January to March 2011. Interlocutors noted that child prostitution is increasing in some poorer neighbourhoods, but that proving the phenomenon is extremely difficult. Cases may be reported to the police, but they rarely go further due to difficulties in gathering evidence.

16. In 2010, according to the Director for Public Prosecutions, there were three convictions related to “causing a child to be sexually abused”, with a total of nine accused persons. The sentences ranged from conditional discharge to two years’ imprisonment plus a fine. According to data provided by the police, between 2005 and 2010 a total of 32 cases of commercial sexual exploitation had been established, and 77 people had been arrested in respect thereof.

17. There is currently one case of child pornography pending in the courts. Statistics regarding cases of the sale of children are unavailable. Most interlocutors stated that the phenomenon of organized international trafficking networks for the sexual exploitation of children is not really present in Mauritius. However, the Director for Public Prosecutions emphasized that this did not mean that there were no such cases; rather, his office insisted on the need for increased capacities to detect and identify such cases. Similarly, the Special Rapporteur received no official reports of child sex tourism, though some interlocutors were of the view that cases exist but are not being reported.

18. The Special Rapporteur notes discrepancies in the official statistics provided, and in some cases, no data is available at all. There also discrepancies in assessments made by stakeholders regarding the scope of all forms of sexual exploitation of children. Such discrepancies can be explained by the nature of these practices: cases are underreported, there are difficulties in gathering information, differences in qualifying crimes, challenges in identifying victims and perpetrators, social perceptions and stigma linked to these acts, weak monitoring and reporting mechanisms, and limited knowledge of laws and rights.

B. Root causes and risk factors

19. As across the globe, the root causes of the sale of children, child prostitution and child pornography are multiple and interlinked. Broken families, social norms, migrating parents who sometimes leave children behind, sexual taboos and insufficient sexual education (leading to the hypersexualisation of children at a very early age), drug and alcohol addiction, school drop out, poverty and unemployment are among the factors that render certain children vulnerable to child prostitution and child pornography. Children living and/or working in the streets, disabled children in institutions, children not registered at birth, children addicted to drugs and/or alcohol, teenage mothers and children living in poverty are among the most vulnerable to these practices. At the other end, the highly profitable sex industry, increasing consumerism and the demand for services that are exploitative of children are among the other root causes of these phenomena.

20. During the visit of the Special Rapporteur, the Office of the Ombudsperson for Children reported that the school drop-out rate is at 35 per cent. Rates of teenage pregnancy have also increased dramatically. The most common form of violence against children in Mauritius is intra-familial abuse. The main difficulties facing children in Rodrigues include high drop out rates, intrafamilial abuse, failing parents and parental alcoholism, as well as teenage pregnancy, in part due to insufficient and inadequate sexual education. Between 2003 and 2009, 3,800 cases were reported to CDU in Mauritius. The number jumped to 6,021 cases reported in 2010 alone, and in the first two months of 2011, 549 cases had already been reported. The nature of these cases is diverse, including neglect, abuse, sexual promiscuity, violence and prostitution. CDU reports that approximately 493 children are currently placed in residential care institutions.

21. Rodrigues suffers also from a high rate of unemployment, which has a significant impact on the family. Reportedly, parents leave Rodrigues to go to Mauritius, in an attempt to find better jobs, leaving their children behind in the care of grandparents or other family members. Another concern is that children do not believe that school will bring any added value to their lives: the lack of viable job opportunities after high school graduation reportedly leads youth to drop out of high school.

22. The phenomenon of child prostitution mostly affects children who have been sexually, physically and emotionally abused; children from broken families, and with parents suffering from alcoholism and drug abuse; dropouts; and children living in poverty. According to the national survey, for those children for whom both parents were alive, almost half the parents do not live together. Furthermore, the study noted that nearly 95 per cent of the child victims had been to school, but that only 18.8 per cent were going to school at the time of the survey, indicating a high drop-out rate. A total of 62.6 per cent of the children had a family member or close relation working as sex worker, usually their own mothers. The link between sexual abuse and sexual exploitation was also cited by several interlocutors.

23. Sex education has been included in the school curriculum in Mauritius. However, in the absence of truly effective sex education programmes, the proliferation of images and videos available through information and communication technologies may serve as the basis for children's first ideas about sexuality and sexual behavior, increasing their risk of early sexualization, mimicking behavior, or becoming victims of this behaviour.

24. Most stakeholders insisted on the need for an in-depth study to be undertaken on the root causes and risk factors of sale and sexual exploitation of children in Mauritius. Existing official statistics are outdated, and new trends have emerged. Such a study would not only allow policymakers to understand the phenomena more completely and target interventions, but would also identify new trends that could inform prevention strategies.

IV. Measures to combat and prevent the sale of children, child prostitution and child pornography

A. International and regional human rights instruments

25. Mauritius ratified the Convention on the Rights of the Child in 1990. It has also ratified the Optional Protocols thereto: the Optional Protocol on the involvement of children in armed conflict in 2009, and the Optional Protocol on the sale of children, child prostitution and child pornography in 2011. During her visit the Special Rapporteur reminded the Government that its consolidated third, fourth and fifth periodic report to the Committee on the Rights of the Child has been overdue since March 2011.

26. Mauritius is also party to the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, and the Convention on the Rights of Persons with Disabilities (signature only of the Optional Protocol thereto).

27. Mauritius has ratified International Labour Organization Conventions No. 138 (1973) concerning Minimum Age for Admission to Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. It has also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

28. Mauritius is a Member State of the African Union, and has ratified the African Charter on Human and Peoples' Rights as well as the African Charter on the Rights and Welfare of the Child.

B. Domestic legal and regulatory framework

29. The Child Protection Act 1994 is the principal domestic legal instrument governing child protection. The Act was amended in 1998, 2005 and 2008.

30. Mauritius is currently preparing a consolidated children's bill, further to the recommendation of the Committee on the Rights of the Child in 2006 (CRC/C/MUS/CO/2, para. 11), which is intended to harmonize existing legislation on the rights of the child, and to ensure full domestic harmonization with the Convention on the Rights of the Child. The Parliamentary Counsel informed the Special Rapporteur that the consolidated children's bill would then effectively replace the Child Protection Act, as well as include relevant cross-references to the Civil Code and the Criminal Code.

31. The Child Protection Act defines a "child" as "any unmarried child under the age of 18". Under section 14, paragraph 2, of the Act, a child is deemed to be "sexually abused" where he has taken part, whether as a willing or unwilling participant or observer, in any act which is sexual in nature for the purposes of (a) another person's gratification; (b) any activity of pornographic, obscene or indecent nature; or (c) any other kind of exploitation by any person.

1. Sale of children

32. Subsection 13(A), paragraph (4)(a), of the Child Protection Act provides that any person who takes part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of a child in return for any valuable consideration shall, on conviction, be liable to penal servitude for a term not exceeding 30 years.

33. The Special Rapporteur regrets that the definition is currently under the subsection "Child trafficking", since the concepts of "sale" and "trafficking" should be kept distinct.

34. Regulating the process of adoption is one of the legal means to prevent the sale of children. Pursuant to the Combating Trafficking in Persons Act 2009, "trafficking" includes the adoption of a person facilitated or secured through illegal means, for the purpose of exploitation.

35. Furthermore, section 64 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. The prohibition applies to the prospective adoptive parent, to whomever gives his consent for the adoption; and to whomever transfers the care and control of child with a view to his adoption.

2. Child prostitution

36. Section 14, paragraph 1, of the Child Protection Act provides that 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; or (c) to engage in prostitution, shall commit an offence.

37. Section 253 of the Criminal Code prohibits “procuring, enticing and exploiting a prostitute”. In the case of a child being procured, enticed or exploited, motives or gain are irrelevant. Any person guilty of an offence under this section is liable on conviction to a term of imprisonment of not more than twenty years together with a fine not exceeding 200,000 rupees. Section 90 of the Criminal Code Supplementary Act 1998 provides that where a person related to premises used as a brothel permits a minor to use the premises, he shall be liable on conviction to be sentenced to a to a fine not exceeding 200,000 rupees together with imprisonment for a term not less than 2 years and not exceeding 10 years..

3. Child pornography

38. Section 15, paragraph 1, of the Child Protection Act prohibits the taking, distribution, showing, possession with intention to distribute or to show, of any indecent photograph or pseudo-photograph of a child. It is also prohibited to publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photograph or pseudo-photograph, or intends to do so. The definition of a photograph includes data stored on a computer disc or by other electronic means which is capable of conversion into a photograph.

39. Section 15, paragraph 3, of the Child Protection Act provides that where (a) the impression conveyed by the pseudo-photograph is that the person shown is a child; or (b) the predominant impression conveyed is that the person shown is a child, notwithstanding that some of the physical characteristics shown are those of an adult, the pseudo-photograph shall be treated for all purposes of the Act as showing a child. The penalty is a fine not exceeding 100,000 rupees and to penal servitude for a term not exceeding 20 years.

40. Under section 46 of the Information and Communication Technologies Act 2001, it is an offence to use information and communication services (including telecommunication services) for the transmission or reception of a message which is grossly offensive, or of an indecent, obscene or menacing character. The penalty upon conviction is a fine not exceeding 1,000,000 rupees and imprisonment for a term not exceeding five years. A child online safety bill is currently in the draft stage.

41. The Computer Misuse and Cybercrime Act 2003 provides for preservation orders, production orders and deletion orders. Pursuant to section 13, a judge may issue an order compelling any service provider to submit subscriber information in relation to such services in that service provider’s possession or control for the purposes of a criminal investigation. Furthermore, article 11, paragraph 3 (a), of the Combating of Trafficking in Persons Act (2009) provides that every Internet service provider operating in Mauritius is obligated to report to the police any site on its server that contains information in contravention of subsection 2 (b), which makes it an offence for any person to knowingly advertise, publish, print, broadcast, distribute or cause the advertisement, publication, broadcast, or distribution of, information that suggests or alludes to trafficking by any means.

4. Juvenile justice and protection of victims/witnesses

42. Pursuant to the Courts Act, proceedings involving persons under the age of 18 may be held in camera (sect. 161A). Furthermore, section 161B provides that the Court may allow a complainant in a sexual offence case to appear before it, and depose, through such

live video or live television link system as may be approved. However, the Special Rapporteur was discouraged to learn that, despite this provision, live video or live television link systems have not been set up in courtrooms across the country. She also regrets the absence of child-friendly spaces within courtrooms. There are currently no provisions for legal assistance for children either as victims or as accused, the need for which the Director for Public Prosecutions described as urgent.

43. Section 18 of the Juvenile Offenders' Act provides for the possibility of removing a juvenile to and detaining him or her in the Rehabilitation Youth Centre, where a parent or guardian of that juvenile represents on oath that he is unable to control the juvenile and desires him to be sent to such a centre, and undertakes to pay the expenses of the maintenance of the juvenile until he attains the age of 18 or for a shorter period.

5. Pending processes

44. Mauritius is undergoing a review of its legal framework (including civil and penal legislation) relating to preventing and prohibiting the phenomena of the sale of children, child prostitution and child pornography.

45. The Special Rapporteur welcomes this process, and stresses that the legal framework should include specific provisions related to prohibition, prosecution, protection, care, assistance and prevention, accompanied by binding measures and mechanisms of implementation.

C. Institutional framework

46. The main governmental ministry tasked with child protection is the Ministry of Gender Equality, Child Development and Family Welfare, consisting of four units: Gender; Planning and Research; Family Welfare; and Child Development.

47. CDU is the principal unit charged with child protection. Its objectives are to provide, inter alia, protection services for victims of violence, abuse and neglect; hotline services; alternative care to abused children (including temporary removal to shelters for children in distress, foster care, and as a last resort, placement in a charitable institution); and informative, educational and communications campaigns on child rights/development.

48. Other governmental agencies intervene in matters related to the protection of children. The Ministry of Social Security, National Solidarity and Reform Institutions operates two kinds of centres for children in conflict with the law: Rehabilitation Youth Centres (for boys and girls) and Probation Centres (one for boys, one for girls).¹ However, according to information received, child victims of commercial sexual exploitation as well as children at risk are sometimes placed in these centres.

49. Educational social workers from the Ministry of Education and Human Resources are posted to the four educational zones of the Ministry to respond to requests relating to school children at risk, by conducting home visits and referring cases as appropriate. They are often contacted by the Office of the Ombudsperson for Children if the latter identifies children at risk of violence within a school.

50. The newly created Ministry for Social Integration and Economic Empowerment focuses on the eradication of poverty, and houses the National Empowerment Foundation and the Corporate Social Responsibility programme. It is also in the process of setting up child day-care institutions in vulnerable areas around the island.

¹ See paragraphs 75-79 below for more information on these centres.

51. The police has specialized units relevant to child protection: the Police Family Protection Unit, the Brigade pour la protection des mineurs, the Child Protection Unit (seconded from CDU), the Crime Prevention Unit and the Information Technology Unit, which deals with cybercrime. The Minors' Brigade operates an emergency response service, which patrols the streets in certain hot zones and undertakes crackdowns with a view to protecting children from predators. These zones include bus terminals, commercial arcades, and video game houses.

52. The Ministry of Health and Quality of Life operates five main hospitals and a network of primary health-care centres across the country, providing consultations, HIV testing, counselling, vaccinations, monitoring and services for pregnant women. The Special Rapporteur noted with concern the absence of child-friendly spaces within these centres. Representatives of the Ministry expressed their wish to have dedicated sessions for unmarried pregnant teenagers. Medical social workers at the centres cooperate with CDU by referring and reporting on cases of child abuse and neglect. The Ministry also runs the National Agency for the Treatment and Rehabilitation of Substance Abusers, and informed the Special Rapporteur about the possible establishment of a children's hospital.

53. The National Children's Council is a para-governmental entity created in 1990 following the ratification of the Convention on the Rights of the Child. It operates as the executive arm of the child protection mechanism and is independent. It focuses on prevention programmes, including collaborating with the École des Parents initiative (schools for parents), community child watch and district child protection committees (see para. 64 below) and runs Children's Clubs for children between 3 and 18 years of age in 22 areas across the country.

54. The Office of the Director for Public Prosecutions is an independent entity consisting of approximately 35 lawyers who initiate and undertake criminal procedures and prosecutions. Since children do not currently have access to their own lawyers, in some cases the Office of the Director for Public Prosecutions fills this role or may appoint a lawyer for the child victim(s), as is the case in the ongoing online child pornography prosecution.

55. The Special Rapporteur also met with judges from the District Court and from the Intermediate Court. The District Court covers cases relating to children in conflict with the law, including children "beyond control", which, the Special Rapporteur learned, often include cases of children involved in prostitution; it also covers cases relating to abandoned children. The District Court issues emergency protection orders, and has the authority to place children in probation homes, or in the Rehabilitation Youth Centre, after listening to the parents and referring to the report prepared by the police and the probation office. Conferences are also held with the children themselves.

56. The National Adoption Council processes cases of international adoption, by non-citizens, of Mauritian children who have not attained 18 years of age. According to the National Adoption Council, there are between 15 and 18 international adoptions per year. The average age of adopted children is six to nine months. A process is currently ongoing to enable the Council to operate as a "central authority" within the meaning of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Currently, an application is made to the Council for the adoption of a child; upon receipt of the application the Council makes an inquiry, and pronounces itself on the application within 60 days. Where it is satisfied that possibilities for placement of the child within Mauritius have been given due consideration and that the demand will be in the best interests of the child, the Council authorizes an application for adoption to be made to the Supreme Court.²

² National Adoption Council Act, section 6.

57. National adoptions are currently not regulated by the National Adoption Council, but the Council informed the Special Rapporteur that the National Adoption Council Act will be amended to regulate national adoptions. Currently, the prospective adoptive parents must search for and identify an adoptable child themselves, often on the basis of a list of charitable institutions provided by the Council, and an order is made by a judge in chambers.

58. The Office of the Ombudsperson for Children was established in 2003, pursuant to the Ombudsperson for Children Act. The Special Rapporteur notes that the establishment of this Office is a good practice in terms of compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and Committee on the Rights of the Child general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

Inter-institutional coordination

59. Stakeholders cited examples of frequent inter-institutional coordination. For example, the National Computer Board is collaborating with the Ministry of Gender Equality, Child Development and Family Welfare and the Ombudsperson to prepare the Child Safety Online Action Plan. The Special Rapporteur learned of a protocol of collaboration between numerous Ministries for the promotion of children's rights and protection of children against child abuse, including commercial sexual exploitation. The protocol outlines the tasks of each Ministry, and provides guidance on responses to cases or detected cases of violence against children, including when to report or refer cases, and to whom.

60. A high-powered committee was also set up under the chairpersonship of the Permanent Secretary of the Ministry of the Ministry of Women's Rights, Child Development and Family Welfare. It includes representatives from the Prime Minister's Office and other key governmental ministries, the Attorney General's Office and the National Children's Council. Its objective is to refine the roles and responsibilities of each party in order to give effect to collective action in dealing with cases relating to children.

61. Nevertheless, all stakeholders highlighted ongoing difficulties of coordination and cooperation among different governmental agencies as well as with civil society representatives, including a lack of understanding of the respective responsibilities of each stakeholder regarding responses to cases, underpinned by the lack of a strategic framework for the protection of the rights of the child.

D. National policies, strategies and programmes

62. In May 2003, the Government adopted the National Children's Policy, pursuant to the commitment it undertook at the special session of the General Assembly on Children in May 2002. In the policy the Government noted a number of areas of concern, including an increase in the incidence of commercial sexual exploitation of children, an increasing number of street children and an increase in the number of broken families. The Government followed up with a plan of action in March 2004, to translate the National Children's Policy into strategies, programmes and projects for implementation.

63. The Government adopted the National Plan of Action on the Protection of Children against Sexual Abuse, including Commercial Sexual Exploitation of Children (2003-2004); however this has not been renewed since. The Government also adopted the Child Safety Online Action Plan (2009) and the National Sexual Health and Reproductive Plan (2009-2015).

64. CDU has created a number of programmes with a view to fulfilling its mandate. A Child Mentoring Programme has been in preparation since 2008. While the Programme is not yet functional, the Special Rapporteur welcomes its objectives and the rationale behind it. The Programme is geared towards children between the ages of 10 to 16 who suffer from behavioural problems, and will match them with trained adult mentors, so as to bring about positive changes in the lives of the mentees. The Unit has also established the National Parental Empowerment Programme, as well as 20 *écoles des parents* across the island. No such parental education programmes have yet been set up in Rodrigues, despite urgent requests from interlocutors. The Community Child Protection Programme includes community childwatch committees, as well as area, district and national child protection committees. Community child watch committees are set up in 20 high-risk areas to act as a surveillance mechanism to identify children vulnerable to abuse and at risk, and to report any suspected case to the Ministry of Gender Equality, Child Development and Family Welfare so that action may be taken.

65. As these programmes are currently in the process of being developed and in some cases, implemented, the Special Rapporteur cannot assess their impact in assisting child victims of sexual exploitation and other forms of violence. She looks forward to receiving information on their development, implementation and evaluation.

66. Following her visit, the Special Rapporteur was encouraged to learn that the Government is currently developing a comprehensive national child protection strategy. It aims to redefine the roles and responsibilities of various stakeholders, including CDU, in order for the latter to be alleviated of some of the duties it currently undertakes and to concentrate on the coordination of child protection services.

E. Specific programmes and services

Identification, protection, care and assistance for child victims and witnesses

67. Providing effective protection for child victims of prostitution and pornography requires an interdisciplinary and holistic approach that can follow the child from the moment of detection/identification, to care and assistance programmes which may include a shelter or work within the community and medical, legal and psychosocial care, to rehabilitation, reintegration and follow-up. The Special Rapporteur observes the absence of a clear mechanism in the country where responsibilities are delineated, and with adequately resourced and trained staff to work with child victims of sexual exploitation.

(a) *Detection/identification and referral*

68. The Special Rapporteur welcomes the establishment by law of child-sensitive complaints and reporting mechanisms that are well publicized and, for the most part, available to children and adults, including adults acting on behalf of children. Several actors operate as such mechanisms, namely CDU officials, both within the Ministry and out-posted at Family Support Bureaus; health professionals; and the Office of the Ombudsperson for Children. CDU runs a hotline and responds to calls of allegations of child abuse and neglect. An encouraging practice is the hotline (800 2378) operated by the National Computer Board for reporting cases of abuse on the Internet.

69. Family Service Bureaus, under the aegis of the Ministry of Gender Equality, Child Development and Family Welfare, are set up across the country, and are composed of family welfare protection officers and one psychologist from CDU, two care workers (involved in mainly administrative tasks), two seconded police officers, and a family unit (which provides

family counselling). They receive calls and walk-ins relating to alleged cases of harm to children. Family welfare protection officers sometimes go on site to visit the family and speak with the child; they prepare a report and, where necessary, apply to the court for an emergency protection order under the Child Protection Act (see paras. 75-76 below).

70. The Ministry of Health and Quality of Life has been preparing draft guidelines, which at the time of the visit were almost finalized, on how to detect and refer cases of child abuse within the hospital. The Ministry reported that it will brief all relevant actors, including doctors and nurses, on how to refer cases to medical social workers for effective follow-up and referral, as appropriate, to CDU.

71. However, the Special Rapporteur is particularly alarmed that children involved in prostitution can be considered as children “beyond control” of their parents. As such, they can be placed in probation centres upon court order, further to reports prepared by the Probation and After-care Service. During her visit to a probation centre, the Special Rapporteur was concerned that some children had been placed there due to precocious sexual behavior. Police officers admitted that one major challenge they face is how to effectively identify child victims of sexual exploitation.

72. CDU officers described significant difficulties encountered in their work: extremely long hours; the quantity of cases referred to them meant that effective follow-up was impossible; insufficient training and specialization of staff; and difficulties in coordinating with other governmental ministries. A significant amount of their time involves responding to emergencies, leaving little time and resources for prevention, rehabilitation, reintegration and follow-up. Currently, only nine family welfare and protection officers service the entire island, and there is only one such officer for Rodrigues. CDU has become known as the reference point for cases involving children, meaning that they receive numerous calls and complaints that are not all cases of child victims or children at risk of becoming victims of abuse or exploitation.

73. The Office of the Ombudsperson for Children notes the absence of a cross-cutting child-friendly approach within the main institutions working with children, including increased measures to protect the confidentiality and privacy of child victims in police stations. Furthermore, stakeholders pointed to the limited effectiveness of child-friendly complaints and reporting mechanisms. One promising practice is the ability to contact the Ombudsperson for Children directly by text message.

74. In the light of the above, the Special Rapporteur notes significant difficulties in the detection of child victims of sale, prostitution and pornography, and how victims are treated in the system. She expresses concern about overlapping duties between relevant actors, and unclear definition of roles and responsibilities.

(b) *Care and assistance programmes and services*

75. Under section 4 of the Child Protection Act, a district magistrate may issue an “emergency protection order” where she or he is satisfied by information on oath that the Permanent Secretary of the Ministry of Child Development has reasonable cause to believe that a child is “suffering or likely to suffer significant harm”.

76. An emergency protection order allows CDU to, inter alia, enter any premises specified in the order and search for the child; remove or return the child, or prevent the child’s removal from, any place of safety; and request police or medical assistance. An emergency protection order has a duration of 14 days. Furthermore, where the Permanent Secretary has reasonable grounds to believe that a child is ill-treated, neglected, abandoned,

destitute or otherwise exposed to harm, a court may make an interim order for that child to be placed in a “place of safety”³ for a period of 14 days, which can be extended for a further period of 14 days, until the final determination of the application. A court can also issue a “committal order” by placing a child in a place of safety until the age of 18 or for a shorter period. “Places of safety” are run either by the Government or by civil society organizations, and receive children referred by CDU officials or the police.

77. The Special Rapporteur visited La Colombe shelter at Pointe aux Sables, which is run by the National Children’s Council under the aegis of the Ministry of Gender Equality, Child Development and Family Welfare. While it is equipped to accommodate 60 children, at the time of the visit, 150 children were staying at the shelter. CDU refers children to this shelter. The Special Rapporteur was alarmed by the wide range of profiles of children staying at the shelter, including physically and/or sexually abused children, abandoned children, and children living and/or working in the streets. The age range was from 3 months to 17 years. She emphasized that effective, specialized care and assistance cannot be delivered when such a broad range of children, with such a broad range of needs, are placed together. Authorities report that additional shelters are being built: Cap Malheureux for 32 boys, Floreal for 20 babies and Belle Rose for 20 girls.

78. The Special Rapporteur also visited the Drop-in Centre at Bell Village. Since opening in 2003, it has been managed by the Mauritius Family Welfare and Planning Association. While the centre was originally established to address the needs of child victims of sexual exploitation, it has become a counselling and information centre for pregnant teenagers, such cases accounting for 50 to 60 per cent of registered cases. Staff mentioned insufficient human and financial resources and the insufficient amount of specialized training received to address cases of victims of sexual exploitation, abuse and neglect. Furthermore, the staff regrets its inability to offer viable methods of reintegration and rehabilitation for child victims. Civil society organizations run centres to receive child victims of a wide variety of forms of violence.

79. Despite various training programmes, there is still a need to strengthen and expand adapted and sustainable training for professionals, particularly those working with child victims and witnesses, such as teachers, police, judges, prosecutors, and medical and social workers. Police in Rodrigues raised the need for more training on child sexual tourism and cybercrime. There is a need to strengthen transnational cooperative efforts that facilitate the sharing of information and technical expertise, since the development of information technologies, trafficking networks, tourism, migration and the sale and exploitation of children know no borders.

(c) *Child witnesses and treatment within the justice system*

80. The Director of Public Prosecutions shared some challenges faced in prosecuting cases related to child abuse, including sexual exploitation. Victims rarely come forward due to the taboo surrounding the issue. If the perpetrator is a family member, the issue tends to be settled out of court. Thus, the need for increased use of video testimony was raised, in order to permit the victim to feel safer in reporting and testifying about a case; the first case of recourse to such testimony is the ongoing case of online child pornography against a schoolmaster. The Special Rapporteur also regrets the absence of child-friendly spaces in courtrooms. Another challenge relates to procedural delays in the justice system. In response, the Office of the Director of Public Prosecutions has instituted a “fast-track”

³ A “place of safety” is defined in the Child Protection Act as any place designated by the Minister to whom responsibility for the subject of child development and family welfare is assigned, and includes, inter alia, a foster home and a hospital.

system for victims of sexual abuse. Furthermore, several interlocutors highlighted the fact that children are rarely granted legal representation. The authorities indicated that CDU is creating a pool of legal resource persons to provide such legal representation.

(d) *Follow-up*

81. All stakeholders mentioned the lack of follow-up once children are released from the various child-care institutions or centres. The Special Rapporteur was encouraged by her visit to the sole non-governmental organization (NGO) that runs a programme for girls above 18 who are placed there once released from a centre or an institution. It is considered a “halfway house”, providing psychological counselling as well as career and life orientation services.

82. The Special Rapporteur is alarmed at the number of children currently placed in institutional care where adequate norms and standards for care and assistance are lacking. Existing centres or points of contact lack the specialized services necessary to receive, treat, accompany and adequately address child victims of prostitution. Rather, the authorities tend to revert to placement in institutional care due to a lack of viable and effective alternatives for care and assistance for child victims of sexual exploitation. Furthermore, virtually all stakeholders admitted that they have neither the adequate time nor the resources to undertake effective rehabilitation and reintegration programmes for children in their care. The Special Rapporteur notes that while certain services exist, they are not provided according to a multidisciplinary and holistic approach. Bearing in mind the serious physical, psychological and emotional consequences of crime and victimization for victims and witnesses, services should include financial aid, free legal assistance, counselling, health and medical care, and educational services, as well as psychosocial recovery, rehabilitation and reintegration services.

F. Preventive measures

83. The Government has instituted numerous activities aimed at preventing the sexual exploitation and abuse of children, and at tackling root causes. The police runs information, education and communication campaigns in the schools, including annual workshops on child sexual abuse, aimed at informing children about relevant laws and the risks of dropping out of school and empowering children, and organizes awareness-raising activities for parents. CDU runs awareness-raising campaigns and provides trainings for its staff working on the issue of child sexual exploitation.

84. Considerable efforts are also being undertaken in child online safety. The National Computer Board, particularly the Mauritian Computer Emergency Response Team, runs activities in the “Safer Internet Day” framework to sensitize children on child pornography, risks related to social networking, gaming and sexting. It has published guidelines on its cybersecurity portal for children and parents and organizes awareness-raising sessions in schools. Cyber Caravans go to community centres and youth clubs and talk to children about Internet safety. The Ministry of Education and Human Resources also runs sensitization campaigns on child online safety.

85. The Special Rapporteur was particularly encouraged by the work of the National Empowerment Foundation. The initiative provides single mothers with social housing, allowances and benefits such as family support, and offers drug therapy programmes for adults. More particularly, the National Empowerment Foundation’s Child and Family Development Programme, established in April 2011, targets the needs of children aged 0 to 18 in areas designated under the Eradication of Absolute Poverty programme. Activities include building day-care centres; providing school materials, training for day-care workers

and social workers, and after-school care programmes; cooperating with NGOs that work with children living and/or working in the street on a pilot project for street educators; and developing a family planning programme for young mothers and pregnant teenagers. However, interlocutors emphasized the need to increase employment opportunities, particularly in Rodrigues.

86. According to the police, one major challenge is tackling demand for services that are exploitative of children, as no programmes or policies currently address the issue of demand. In 2008, the Ministry of Tourism and Leisure prepared a brochure to raise awareness about child sex tourism.

87. Another worrying situation is the lack of effective sex education in schools, and the taboo of the subject within homes and the community. The current situation creates confusion and lack of understanding about sexuality, situations of precocious sexuality, particularly for pre-teenage children, and an environment where children do not feel safe or secure discussing issues related to sexuality with their families and within their communities. While the Ministry of Education and Human Resources claims that there are sexual education programmes in the schools, reportedly, in practice, these are inadequate and are not sufficiently targeted to the real issues faced by teenagers and pre-teenagers when it comes to their sexual practices. As a result, stakeholders report that rates of teenage pregnancy are on the increase, as is precocious sexual activity. The latter is deemed to be “deviant” behavior, which parents cannot “control”. The Ministry of Education and Human Resources, in collaboration with all stakeholders, is reportedly seeking to strengthen the sex education programme for secondary schools and upper primary classes, and is producing a DVD on sex education for primary schools. The Ministry of Health and Quality of Life will carry out a global school-based survey on the sexual behavior of pupils at Form II, III and IV levels.

88. Stakeholders also raised the urgent need for mental health care, which remains insufficient if not absent in certain parts of the country, particularly in Rodrigues.

89. Limited birth registration was also cited as an obstacle. The Special Rapporteur reiterates the importance of establishing a national adoption legal framework and the follow-up support for teenage single mothers, with a view to preventing the sale of children for the purpose of adoption.

90. In the light of the above, the Special Rapporteur observes that more can be done to create an effective protective environment for children against all forms of violence, abuse and exploitation, by involving all relevant partners, including community and religious leaders and the private sector.

G. Child participation

91. The National Children’s Committee was, at the time of the visit, in the process of being established, within the framework of the National Children’s Council. Children participate in community clubs and associations and within student councils. School Rectors are required to consult students for the effective running of the school. While children receive information on their rights, the Special Rapporteur noted the need for reinforced and systematized participation of children in policies and programmes affecting them. For instance, peer-to-peer education on commercial sexual exploitation of children can be a valuable tool for promoting and protecting the rights of children.

92. The Special Rapporteur recalls that child participation consists of the right of each child to express her or his views and to have these views taken into consideration in all matters that directly or indirectly concern her or his life, with the objective of influencing decision-making and achieving change, pursuant to article 12 of the Convention on the

Rights of the Child. Children are not only victims or vulnerable to being victims, but can and should actively take part in finding solutions; they must be empowered to fight for their own protection and that of their peers.

H. Cooperation with the private sector

93. The Special Rapporteur was particularly encouraged by the Corporate Social Responsibility programme, run by the National Empowerment Foundation. The programme requires any for-profit company registered in Mauritius to contribute 2 per cent of its book profit after income tax in order to set up a fund to finance corporate social responsibility activities. Funds can be used to finance programmes by, inter alia, approved NGOs. One of the areas of intervention for such activities is socio-economic development, which includes gender and human rights. Issues falling in that area include those relating to youth and children, such as awareness/prevention of sexual abuse and support for children victims of sexual abuse, support for street children, sex education and youth empowerment.

94. Some interlocutors expressed concerns about the lack of transparency of corporate social responsibility procedures relating to accrediting NGOs and disbursing funds. Corporate social responsibility guidelines and criteria for funding projects are currently being reviewed with a view to making them more accessible. Stakeholders also stated that the follow-up of implemented projects was weak. Others felt that the capacities of NGOs to design and implement effective projects to be funded by such funds required strengthening. For instance, submitted projects were often duplicative.

95. Nevertheless, the Special Rapporteur did observe, albeit to a limited extent, involvement and partnerships with other private sector actors, such as travel and tourism agencies, Internet service providers, telecommunication companies, banks, trade unions in the transportation sector, and the media.

I. Monitoring

96. The Ombudsperson for Children is appointed by the President for a term of four years, renewable once. Its functions include: making proposals on legislation, policies and practices regarding services for, or the rights of, children; advising the Minister of Gender Equality, Child Development and Family Welfare on residential placement facilities and shelters established for the benefit of children; and advising institutions responsible for providing children with care and other services on the protection of the rights of children.

97. Notably, the Ombudsperson has the power: to initiate an investigation whenever she considers that there is, has been or is likely to be, a violation of the rights of a child; to investigate cases relating to the situation of children in the family, in schools and in all other institutions, as well as cases of abandoned children or street children; and to investigate complaints made by a child, or any other person, in relation to the rights of any child. For the purposes of any investigation, the Ombudsperson may enter premises where a child is present in order to study its suitability for a child or where there is reasonable ground to believe that the moral and physical safety of a child may be in danger. Following an investigation, the Ombudsperson is to act as mediator to resolve any dispute; make a report to such authority as the Ombudsperson considers appropriate; and make proposals to the Minister. However, the Ombudsperson is not mandated to remove a child from a home or institution: only CDU officials have that capacity.

98. Another noteworthy activity of the Ombudsperson is the organization of multidisciplinary case conferences, which gather professionals from different sectors to explore a case from their respective fields, and to design a care plan for the child concerned.

99. The current Ombudsperson will end her term in December 2011 after having served for eight years. The Special Rapporteur looks forward to being informed once the new Ombudsperson is appointed.

100. However, there remains a need to establish rigorous monitoring mechanisms to follow up and evaluate national child protection policies, strategies and programmes. Monitoring should include a review of steps taken, progress achieved and possible impediments faced in the implementation of political commitments that have been undertaken and subjected to periodic reporting to Parliament and the general public.

J. International and regional cooperation

101. The Special Rapporteur met with a number of technical partners present in Mauritius. To varying degrees they are involved in technical cooperation activities, including trainings on commercial sexual exploitation of children and trafficking, and grants for civil society organizations.

102. The Special Rapporteur heard repeated calls from governmental and non-governmental stakeholders for a special advisor who could provide the Government with technical assistance in designing a holistic, multidisciplinary child protection strategy, with clear and identifiable roles, accountability, monitoring and follow-up mechanisms. Stakeholders support the initiative that such technical assistance be provided under the aegis of the United Nations Development Programme (UNDP) in the country. In this regard, the Special Rapporteur welcomes the efforts of UNDP and UNICEF in examining the possibility of a more long-term technical partnership between the Government and UNICEF and how UNDP and the Government might facilitate a resumption by UNICEF of its role in the country.

V. Conclusions and recommendations

A. Conclusions

103. **The Special Rapporteur recognizes that the Government has established a set of laws, policies and institutions, and mobilized considerable financial resources, to enhance the protection of children from sale, prostitution and pornography, and child rights more generally, with a specific focus on equity and poverty reduction. However, the Government is struggling to have an efficient sustained impact on the lives of vulnerable children, namely due to poor inter-institutional coordination, weak policy coherence and ineffective multisectoral approaches.**

104. **She welcomes the current process underpinned by a clear political commitment to overcome these challenges, as well as the shift away from the fragmented child protection responses towards the adoption of a rights-based and comprehensive national child protection strategy. This national child protection strategy is aimed at establishing a coordinated set of social norms, laws, policies, regulations and services, capacities, and monitoring and oversight activities across all social sectors—especially social welfare, education, health, security, and justice—to prevent and respond to the sexual exploitation of children and other child protection-related issues and risks.**

B. Recommendations

105. In the spirit of cooperation and partnership, the Special Rapporteur makes the following recommendations to the Government, aimed at consolidating and strengthening ongoing efforts. She is sure that every effort will be made to implement them and stands ready to offer her full cooperation and assistance in this regard.

106. The Special Rapporteur encourages the Government to pursue its efforts to ensure the full implementation of the Child Protection Strategy in 2011-2012, with the technical support of United Nations agencies and mechanisms. She recommends that the Government consolidate and strengthen ongoing efforts in the design and implementation of this Strategy, by integrating the following principles and components in compliance with international standards and norms.

107. To be functional and effective, the Strategy must:

(a) Focus on the child and the promotion of the child's best interests as the primary consideration;

(b) Be governed by comprehensive laws that are compliant with international standards and by national policies and regulations (establishing mandates, responsibilities, standards and systems of supervision to ensure compliance);

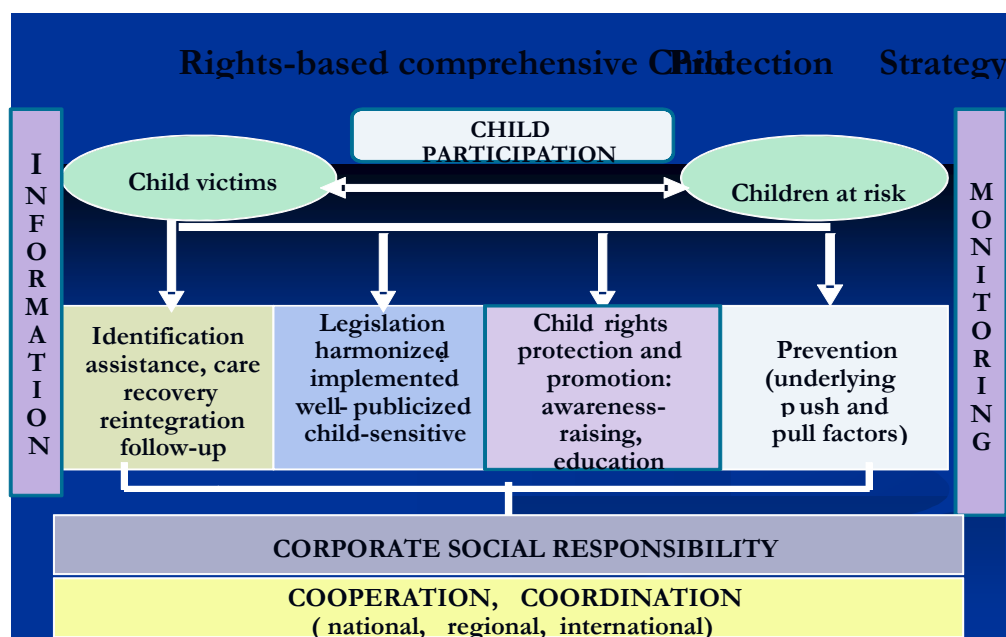
(c) Include both formal and informal mechanisms, such as traditional/custom-based authority and community-based organizations, and formalize their mandate in law and through government regulations;

(d) Ensure that child-sensitive services are available at all levels, regulated by quality standards (knowledgeable, well-trained staff, adequately resourced) and accessible to all children without discrimination;

(e) Integrate children's views and experiences, through effective child participation and inclusion;

(f) Ensure that all providers of children's and family services (public sector, civil society organizations) are accountable, through effective regulation and monitoring at all levels of child protection standards.

108. To increase the effectiveness of the Strategy, the Government must strengthen its various components (see figure).



109. To this end, the Special Rapporteur makes the following recommendations.
110. The Government should finalize the process of reviewing the legal framework prohibiting, preventing and responding to all forms of sale and sexual exploitation of children, and ensure the effective implementation of the framework through:
- (a) The harmonization of national legal (civil and penal) and regulatory frameworks with ratified international instruments, accompanied by binding measures and mechanisms;
 - (b) The widespread dissemination of information regarding legislation and procedural rights, in a user-friendly and adapted way;
 - (c) The adequate training of judges, prosecutors, lawyers, police officers, teachers, social workers, and medical and other professionals regarding the rights, needs and best interests of the child.
111. The Government should ensure reliable and regular information on both the prevalence and knowledge of the phenomena of the sale of children, child prostitution and child pornography, by:
- (a) Establishing a standardized and centralized information-gathering system to collect data disaggregated by sex, age, type of violation and measures taken, and harmonizing methods of gathering and processing data;
 - (b) Undertaking qualitative and quantitative surveys and research regarding both the prevalence and the understanding of these phenomena;
 - (c) Taking into account the views of children in the processes of data collection and conducting of research, provided that appropriate safeguards are in place.
112. The Government should establish effective coordination and accountability mechanisms within the institutional framework, through effective regulation and monitoring.
113. The Government should strengthen capacity-building and training programmes of key formal and informal structures (such as ministries, agencies, partners, communities and NGOs) by including information on:
- (a) Relevant international human rights norms, standards and principles, including the Convention on the Rights of the Child, and the Optional Protocol thereto on the sale of children, child prostitution and child pornography;
 - (b) Signs and symptoms indicating violence and exploitation of children, and on the impact, physical and psychological consequences and effects and trauma of crimes against children;
 - (c) Sensitivity to age-related, cross-cultural, linguistic, religious, social and gender issues, and on sensitivity to the particular issues faced by child victims to ensure they are treated with respect and care;
 - (d) Crisis assessment skills and techniques, including with regard to making referrals and the preservation of confidentiality;
 - (e) Interviewing and assessment techniques that minimize the possibility of additional hardship, and other skills to deal with child victims in a sensitive and constructive manner;
 - (f) Measures and techniques to assist child victims and witnesses in the justice process.

114. The Government should strengthen child-sensitive complaints, reporting and counselling mechanisms by ensuring that they:

- (a) Are accessible to all children under the jurisdiction of the State, without discrimination of any kind, while being age appropriate and gender sensitive and granting special protection to children at risk;
- (b) Are guided by the best interests of the child and informed by children's experiences and perspectives;
- (c) Maintain strict confidentiality during proceedings and related processes and respect the right of the child to privacy;
- (d) Guarantee the safety of children, through measures to prevent, *inter alia*, any risk of harm, intimidation, reprisals or re-victimization;
- (e) Are regularly and systematically monitored to determine if they are operating in a child-friendly manner, including through safeguarded consultation with children who have accessed the mechanisms in question.

115. Regarding the identification, care, assistance and follow-up of child victims and witness protection, the Government should:

- (a) Implement precise and adaptable protocols with the participation of all actors involved in child protection. These protocols should clarify the steps that need to be taken (from early detection to the full recovery and social integration of children), and the role and responsibilities of each actor, thereby allowing better coordination and information sharing;
- (b) Strengthen child-friendly justice to provide special and prompt protection and assistance to child victims and witnesses that is appropriate to their age, level of maturity and unique needs to prevent further hardship and trauma;
- (c) Favour family- or community-based environments, including foster families and other caregivers and incorporating family support and counselling, over institutional or residential care; strengthen the provision of appropriate psychosocial support and mental health services for children;
- (d) Ensure that in cases where victims seek compensation for damages from those legally responsible for a violation, reparation mechanisms take into account the long-term reintegration, psychosocial and physical issues that are potentially faced by victims;
- (e) Ensure that effective mechanisms incorporate regular follow-up of the child until full recovery is achieved;
- (f) Ensure safe and child-friendly alternative or residential care that can accommodate the basic needs of child victims, by establishing minimum standards for alternative and residential care. Centres must be staffed by trained professionals guided by child-rights standards and ethical principles, supporting the health, self-respect and dignity of the child and in particular promoting the complete physical and psychological recovery and social integration of all child victims. All registered centres must be required to provide monthly reports on the children and the details of their care and transfer.

116. Regarding prevention and child rights promotion, the Government should:

- (a) Ensure that socio-economic services for children at risk and their families are available and accessible;
- (b) Ensure immediate free registration of all children born on the territory, with special attention paid to unregistered children, children at risk and those in marginalized situations;

(c) Promote sustainable education and awareness-raising campaigns in schools and communities, including rural and remote communities, making use of all forms of media, information and communication technologies, including social networking tools;

(d) Promote child-protective social norms, involving community leaders to guide communities in protecting children against all forms of violence, abuse and exploitation;

(e) Make available in schools sex education programmes that provide information on healthy sexual development, safe sex and reproduction, and that emphasize gender equality, self-respect, empowerment and respect for others;

(f) Provide funding and shared research on the national and transnational demand for services that exploit children, and analyse the specific context of harmful and discriminatory social norms (practices, behaviours, attitudes) to inform laws and policies.

117. The Special Rapporteur recommends that the Government systematize child participation and ensure that the relevant mechanisms operate in compliance with internationally recognized standards, with a view to taking into account the opinions and views of children in all matters that directly or indirectly affect them (including strategies, laws, programmes, monitoring activities). To this end, the Government should:

(a) Ensure the availability of and access to well-publicized information in local languages and different formats (for children with disabilities) that is suitable for children of diverse ages and stages of maturity, including the very young;

(b) Empower children to fight for their own protection and that of their peers;

(c) Support child-led initiatives and organizations.

118. Regarding monitoring and evaluation, the Government should:

(a) Strengthen the resources dedicated to the Office of the Ombudsperson for Children and ensure the appointment of the successor once the current term expires;

(b) Establish national indicators and mechanisms to ensure rigorous monitoring and assessment/evaluation.

119. Regarding corporate social responsibility, the Government should:

(a) Develop and strengthen partnerships with the private sector, particularly tourism agencies, travel agencies, Internet service providers, telecommunication companies, banks, trade unions in the transportation sector, and media;

(b) Adopt corporate social responsibility instruments, such as codes of ethics, and raise the awareness of and train all personnel;

(c) Implement corporate social responsibility programmes and ensure their monitoring and evaluation;

(d) Strengthen the training of the media with regard to the ethical treatment of cases of child abuse and exploitation

120. The Special Rapporteur recommends that the Government enhance international and regional cooperation through, inter alia, the exchange of information and expertise and the sharing and harmonization of practices and tools, particularly since the development of information technologies, trafficking networks, tourism and migration and the sale and exploitation of children knows no borders.

121. Lastly, the Special Rapporteur recommends that the Government continue to cooperate with United Nations agencies, in particular those providing technical assistance in the elaboration, implementation and monitoring of the Strategy.