**Gender dimension of the sale and sexual exploitation of children and the importance of integrating a human rights-based and a non-binary approach to combating and eradicating sale and sexual exploitation of children**

1. **What forms of existing societal norms, practices/behaviours (cultural, social, traditional or other) may explicitly or implicitly involve and/or manifest sale and sexual exploitation of children?**
   1. Consumerism is playing an increasing role in the commercial sexual exploitation of children worldwide. Influenced by peer pressure to belong and conform to the value that society places on expensive, brand-name products and luxury goods and services, some children and adolescents may be persuaded to exchange sexual services for money or status products. This phenomenon has been reinforced through advertising and other media.

1.2 The growth in the use of the internet and new technologies has intensified the risk of engaging in this behaviour online. While bringing many benefits and opening up unprecedented opportunities, the expansion in information and communication technologies has had a significant impact on children’s social norms.

1.3The exposure of children to child pornography inspires and influences their sexual practices and affects their behaviour. Prevailing standards and peer pressure have led children to share indecent photographs of themselves, making them vulnerable to abuse and potentially redefining some of the social limits of acceptability of child pornography.

1.4 Furthermore, with the new economic era and ensuring high competitiveness of businesses, parents required to spend longer hours at work are leaving children unattended. The risk of exploitation of children are particularly high when:

(i) families are unable to fulfil their protective role;

(ii) there is the prolonged absence of one or both parents;

(iii) there is a lack of parenting skills; and

(iv) families have insufficient resources.

1. **How is gender and gender identity incorporated in existing legislative and policy frameworks on the eradication and prevention of the sale and sexual exploitation of children?**
   1. **Please provide information on relevant legislation or policy on the implementation of integrating gender dimension in the prevention and eradication of sale and sexual exploitation of children, online and offline.**

2.1 Article 16 of the Constitution of Mauritius which is the Supreme law of Mauritius, provides for protection from discrimination and states, *inter alia*, that no law shall make any provision that is discriminatory either of itself or in its effect and no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority. “Discrimination” is defined in the Article as 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.

2.2 There is also a wide array of general legal provisions/legislations in Mauritius that aim at protecting children from harm, including against sale and sexual exploitation, male and female alike, irrespective of the child’s gender or whether the child identifies himself/herself outside the gender binary. Details of the most pertinent ones are at **Annex I**.

2.3 Moreover, the Government of Mauritius has recently enacted the Children’s Act, Child Sex Offenders Register Act and Children’s Court Act with a view to providing a move inclusive and child friendly judicial framework.

2.4 It is worth noting that there is no specific legislation *per se* on the ‘implementation of integrating gender dimension in the prevention and eradication of sale and sexual exploitation of children, online and offline’. The existing legislative framework on the eradication and prevention of the sale and sexual exploitation of children does not differentiate between a male or female child or gender identity of the child.

2.5 Furthermore, Section 5(1) of the Interpretation and General Clauses Act providing for the general rules of interpretation states as follows: “Words importing the masculine shall include the feminine and the neuter.”

2.6 The Ministry of Gender Equality and Family Welfare has implemented its Sectoral Gender Policy in 2009 which encompasses the different departments (Administrative and Technical) including the Child Development Unit, to ensure that the Ministry’s actions and policies are gender sensitive.

**b.** **What are the existing gaps and challenges in incorporating the gender dimension in legislations, policies and practices?**

2.7 The following may be considered as the main gaps and challenges faced in the Republic of Mauritius for incorporating the gender dimension in legislations, policies and practices:

1. women’s lower access to resource due to the socio-economic and cultural barriers in incorporating gender dimension and women’s economic dependence or economic inequality to men;
2. the existing patriarchal attitudes and beliefs persist in some families about men’s superiority to women and the naturalness of segregated gender roles that see women mainly as caregivers and men as breadwinners. This gender-biased attitude underlies the high social tolerance or even justification of domestic violence;
3. the lack of access to information especially among women from rural areas;
4. the absence of enabling legislations to incorporate the gender dimension in any proposed measures;

(v) the lack of expertise and training in specific gender dimensions of Children (CSEC);

(vi) the need to set up specific shelter for male victims of CSEC; and

(vii) the need to strengthen data collection so as to effectively capture age range and socio-economic background of alleged cases child abuse. This will enable more holistic assessment of the prevailing situation and allow Government to devise a better policy.

1. **Please provide contextual information on any existing good practices, policies or legislation tackling sale and sexual exploitation of children that include a gender dimension that takes into account different gender identities.**

3.1 Mauritius is signatory to a number of international and regional human rights conventions on women’s empowerment and gender equality. The Sustainable Development Goal 5 (Women’s Empowerment and Gender Equality) calls on the elimination of Gender Based Violence (GBV) for a holistic and equitable approach to development. Mauritius is also a party to the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC).

3.2 At the regional level, Mauritius has ratified the African Charter on the Rights and Welfare of the Child and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa.

3.3 The Government of Mauritius has recently come up with a National Strategy Document comprising an Action Plan to eliminate Gender Based Violence (GBV). In the conceptualization and formulation of the document international best practices and frameworks have been taken into consideration in order to address the root cause of gender inequality. Moreover, the key elements of the National Strategy revolve around having a shared understanding of the nature and extent of Gender Based Violence in Mauritius, the commitment of multiple stakeholders, strengthening of the existing legislative and policy framework, capacity building of stakeholders and a strong monitoring and evaluation mechanism. The National Strategy is aimed at:

1. changing societal norms and beliefs that are against principles of gender equality and equity;
2. giving priority support services for survivors while holding perpetrators accountable; and
3. identifying and redress discriminatory practices that perpetuate gender based violence.

3.4 The **‘Best Interest of the Child’** is of primary importance/concern in all legislative and policy frameworks in Mauritius which are geared towards the protection, survival, development and participation rights of the Mauritian Child. For instance, the ‘Child Protection Act (1994) and the ‘Children’s Act (2020) are both gender sensitive in their legislative approaches in tackling the four principles as mentioned above.

3.5 All reported cases of sale and sexual exploitation of children are evaluated or assessed on an individual/case to case basis, wherein the right approaches, interventions and follow-ups are undertaken to tackle the cases, using a rights based approach. Remedial and recovery services are provided, taking into account the victim’s personalised care plan. Moreover, adequate measures are taken throughout the process to avoid further victimisation and distress of the children.

3.6 Child victims are provided with immediate and long-term protective and support services through the six Child Development Unit Outstations of the Ministry of Gender Equality and Family Welfare, across the island notably, at Goodlands, Flacq, Souillac, Port Louis, Bambous, Vacoas. These include:

* Long term counseling and therapy;
* Monthly medical sessions;
* Parental Counselling;
* Monthly home visits to clients;
* Prevention and sensitization of adolescents/public on sexual abuse and teenage pregnancy;
* opportunities for education as well as family mediation; and
* medical and psychological care in coordination with national health and social services.

3.7 A Hotline is operational for reporting of cases of child abuse. **Drop-in-Centres** are also available at Port Louis and Grand Riviere North West (GRNW).

3.8 Furthermore, a Memorandum of Understanding has been signed between the Ministry of Gender Equality and Family Welfare and the following stakeholders to adopt a multi-sectoral approach to improve service delivery to children victims of violence:

* Prime Minister’s Office (Civil Status Division);
* Ministry of Education, Tertiary Education, Science and Technology;
* Ministry of Health and Wellness;
* Ministry of Youth Empowerment, Sports and Recreation;
* National Children’s Council;
* Attorney General Office;
* Ministry of Local Government, Disaster and Risk Management);
* Ministry of Social Integration, Social Security and National Solidarity); and
* Police Department.

1. **What institutional, regional and national legal frameworks are in place to integrate gender dimension in the prevention, prohibition and protection of children from all forms of sale, sexual abuse and exploitation?**

4.1 The Child Development Unit (CDU) is a dedicated unit under the aegis of the Ministry of Gender Equality and Family Welfare which aims at ensuring that the survival, protection, development and participation rights of Mauritian child are upheld as per the Convention on the Rights of Child whereby the interests of the child are of primary consideration in all policies, programmes and actions pertaining to children’s welfare.

4.2 The Police Department has also set up the Specialised Unit known as ‘Brigade Pour la Protection des Mineurs’ to deal with cases of sale and sexual abuse involving children.

4.3 All cases reported at the level of the Ministry of Gender Equality and Family Welfare is immediately referred to the “Brigade Pour La Protection des Mineurs” for investigation. Moreover, the BPLPDM carries-out regular raids in game houses, hotels, discotheques and any areas where child abuse is suspected.

4.4 The Police Department also intervenes to determine whether minors are involved in the Online Child Sexual Abuse cases. It encourages victims to contact the Cybercrime Unit (CCU) to either register their complaints at Police Stations nearest to their place of residence or report same on the Mauritian Cybercrime Online Reporting System (MAUCORS), which is an online reporting system setup by the Computer Emergency Response Team- Mauritius (CERT-MU).

4.5 The Office of the Ombudsperson for Children is and independent National Human Rights Institutions set up by Government to:

1. ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals;
2. promote the rights and interests of children; and
3. promote compliance with the Convention on the Rights of the Child.

4.6 Moreover there are various non-governmental organisations that support and protect the rights of the child. A noteworthy example is [Gender Links Mauritius](https://genderlinks.org.za/countries/mauritius/) which opened the first halfway home in Mauritius in 2017 called Safe Haven. The Home serves as a residence for people in need, providing them with the necessary skills to re-integrate into society and to better support and care for themselves. It welcomes homeless, abused young girls, women victims of domestic violence, teenage mothers and their children. List of support services they provide are at ***Annex II.***

4.7 There is a close collaboration among all stakeholders to assist in the identification of victims and providing support to them.

1. **What forms and manifestations do gender dimensions take in the context of the eradication and prevention of the sale and sexual exploitation of children, boys in particular, including online, and which ones are the most prevalent. Please provide information about the causes and manifestations of gender dimension, and how it affects the eradication and prevention of sale and sexual exploitation of children.**

5.1 The Ministry of Gender Equality and Family Welfare has not carried out any scientifically evidenced study regarding the causes and manifestations of gender dimension in the exploitation of children.

5.2 The Office of the Ombudsperson for Children addresses various issues related to the rights of the child in its annual report which can be viewed at: <https://oco.govmu.org/Documents/Annual%20Reports/Annual%20Report%202019-2020%20-%20OC.pdf>

**6.** **Please indicate any specific measures aimed at reducing vulnerability of children to sale and sexual exploitation in a gender-and disability-responsive, as well as age and child-sensitive manner.**

6.1 Through the Community Child Protection Programme (CCPP) implemented by the Ministry of Gender Equality and Family Welfare, all communities especially those seen as being as high risk regions are sensitized on various salient issues (esp. ‘CSEC’) and thereby developing a child rights’ consciousness in respect of children and their need for survival, growth, development and participation in the most child-friendly conducive environment. In year 2020, the CCPP has carried-out intense awareness campaigns in the following vulnerable regions: Cite La Cure, Grand-Gaube, Colonel Maingard, Baie Du Cap and Batimarais, wherein 218 parents and 233 children were reached (total: 451 persons).

6.2 Moreover, all residential care institutions are regularly monitored by qualified and dedicated officers of the Ministry. Gender Equality and Family Welfare. Disabled children in shelters are also closely monitored and followed up by specialist so as to identify any cases of abuse.

**7. What measures and safeguards can be put in place to identify the protection needs of vulnerable children in order to prevent, prohibit and protect them from all forms of sale and sexual exploitation, including examples of child-friendly, independent, timely and effective reporting and complaints mechanisms made available without discrimination in child-friendly spaces at community, national, and regional level.**

7.1 The Office of the Ombudsperson for Children Office (OC) investigates independently into all alleged cases of child abuse reported to them in line with their mandate. Details of investigations carried out for period 01 July 2019 to 31 August 2020 are at ***Annex III***.

7.2 People involved in the care of children such as parents, wider family relatives, neighbours and any community member can act as important whistle-blowers to provide first-hand information on actual or potential child abuse in nurturing the synergy and collaboration among all relevant stakeholders and tightening the safety net around children, especially those living in deprived regions.

7.3 Networking forum sessions to foster partnerships in the protection of children against all forms of abuse between active community members and professionals working with children can bridge the gaps in understanding and communication and lead to better protection of the child.

**8. Please indicate any other areas of concern and provide any additional information which is relevant in the context of gender dimension and eradication of sale and sexual exploitation of children.**

8.1 Substance use/abuse makes young people extremely vulnerable to a range of poor outcomes. Because substance use/abuse is highly interwoven into the sex trade, it is difficult to determine whether it is a cause or effect of sex work but nonetheless, substance use/abuse itself is one of the main reasons invoked by adult women for entering into commercial sex trade.

8.2 The COVID-19 pandemic has led to an unprecedented rise in screen time amongst children. School closures have led to children relying on technology and digital solutions for learning purposes and hence leaving them connected to the outside world. It is worth noting that not all children have the necessary knowledge, skills and resources to keep themselves safe online. Not only are they transiting to the online world for the very first time, but they are also spending extra time online. Spending more time on virtual platforms can leave children vulnerable to online sexual exploitation and grooming by predators who are constantly looking for preys, often hiding behind a fake profile. Besides, the lack of face-to-face contact with friends may lead to heightened risk-taking such as sending sexualized images. Increased and free time online may also expose children to potentially harmful, violent and age-inappropriate content.

8.3 Having taken into account the current situation, the Computer Emergency Response Team of Mauritius (CERT-MU), a division of the National Computer Board, operating under the Ministry of Information Technology, Communication and Innovation has proactively issued some guidelines on how children could be protected and remain safe while they surf online.

8.4 Moreover, the CERT-MU has developed a centralized online reporting system (MAUCORS), where cyber incidents such as cyberbullying, sextortion, fake accounts and derogatory comments/pages about children as well as adults could be reported and addressed. Numerous sensitization campaigns are being conducted by the CERT-MU, as ongoing activities, to explain those issues and how children can stay safe online.

8.5 In year 2020, the Child Development Unit has also carried-out 25 awareness campaigns, wherein ‘child pornography, online child sexual abuse, child abuse, child sexual abuse amongst others’ were at the core of the discussions, thereby reaching: 262 males and 685 females (total: 947 persons).

**9. In what context do external environment factors exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children. Do the vulnerabilities of the surrounding environment play a significant role in terms of rural/urban; war/conflict zones, different forms of migration, emergency contexts (e.g. natural & manmade disaster, climate change, COVID-19) and religious context.**

9.1 There are several potential external factors that can lead to the sale and sexual exploitation of children in Mauritius, such as, social norms, poverty and unemployment, sexual taboos and limited sexual education as well as early drop out from schools. In addition, the increase in Internet access and mobile cell phones subscriptions leads to Mauritian children becoming more and more vulnerable to online child sexual exploitation. Last but not least, being one of the top tourism destinations in the region, children in Mauritius may be vulnerable to sexual exploitation in travel and tourism.

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