**Re: Questionnaire - Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material**

1. **Context, awareness and attitudes underpinning the sale and sexual exploitation of children.**

**What are the current challenges, trends and emerging threats defining the scope and extent of sale and sexual exploitation of children? They are as follows:**

Due to rapid changes in societies, the world is facing global and emerging social issues and they are listed below:

1. Children reach early/precocious puberty thus leading to both boys and girls being involved in early sexual activity and in risky sexual behaviours.
2. Media and internet have contributed to the child grooming.
3. Consumption and trafficking of drugs and illicit substances can force children and youngsters to indulge in prostitution and Commercial Sexual Exploitation.
4. Sex tourism is also a major challenge that has contributed to sale and exploitation of children.
5. Gender based Violence is another factor that may lead to sexual pressure upon the girl who is thereby forced into sale and sexual exploitation.
6. Lack of sexual education can also be a contributing factor to this problem.

**What progress has been made in shifting the language and the narrative around these issues by the wider community of experts and practitioners? Progress has been made through:**

1. The implementation of the Child Protection Act (1994) precisely section 13A & 14 which was further amended in December 2005 to make provision for all cases of child trafficking, abandonment and abduction and also the combating of Trafficking in Persons Act 2009 prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years` imprisonment for convicted offenders
2. Protocols of Collaboration amongst relevant stakeholders with the mission of promoting children’s rights and the protection of children against violence and exploitation including commercial sexual exploitation have already been signed.
3. Awareness campaign / capacity building-see Annex-1

**What are some of the good practices of raising public awareness and sensitization on issues of sale and sexual exploitation of children at the local, national regional and global level?**

On the preventive side, regular Information, Education and Communication (IEC) campaigns to address the issue of Commercial Sexual Exploitation of Children (CSEC), inclusive of Child Trafficking and Prostitution are carried-out. The campaigns are conducted through the School Child Protection Club, Children’s Club, Atelier Partage Parents, Community Child Protection Programme (CCPC), ‘Caravan de Proximite’ and through the varied awareness talks carried-out by the Child Development Unit (CDU),upon requests from the various stakeholders such as NGOs, the civil society, Ministry of Health and Quality of Life, the Probation Service, the Ministry of Human Rights and Justice and the Police,amongst Others.

* The varied campaigns cover the following main issues, namely:
* Services and programmes of the Child Development Unit;
* Victims Support Measures for CSEC victims and child trafficking inclusive of child prostitution and child pornography;
* Child Abuse, Consequences and Preventions;
* Sexual Abuse, Consequences and Preventions;
* Child Prostitution, Consequences and Preventions
* The legal provisions in addressing CSEC;
* Child Protection Act;
* Risky behaviour and sexually transmitted diseases;
* Teenage pregnancy and related complications;
* Child Abuse, Exploitation and Teenage Pregnancy;
* Gender-Based Violence;
* Awareness on the Convention on the Rights of the Child;
* Children’s rights and their responsibilities;
* Roles of parents and Social Workers in identifying victim of CSEC and child trafficking inclusive of child prostitution and child pornography

1. **Risk factors, root causes and demand for the sale and sexual exploitation of children:**

**What are the root causes and origin of demand for the sale and sexual exploitation of children?**

**Causes are as follows:**

Poverty, low socio-economic status, psycho-social causes, poor housing conditions, drug and alcohol addiction, mental illness, insufficient schooling,lack of sex education, media/internet and poor prosecution of offenders and conviction rates.

**What tools are available to States and non-State actors to effectively address the underlying cause of sale and sexual exploitation of children, beyond training and awareness raising?**

**Tools available**

1. “W**orking Together” concept**

This Ministry has adopted a whole child-centered approach that enables all

stakeholders to bridge the gap in services and activities for the welfare of children by

providing all sectors with a common vision of the Mauritian child.

In this line of thought, under the “W**orking Together” concept, a High Powered -**

**Working Together Committee** was set up, on 04 November 2010, chaired by

the Permanent Secretary of this Ministry to look into the avenues of collaboration

amongst all stakeholders dealing with issues relating to the protection, development

and welfare of children.

* Protocols of Collaboration have also been signed between other ministries forming part of the High Powered - Working Together Committee, with the mission of promoting children’s rights and the protection of children against violence and exploitation including commercial sexual exploitation; they are as follows:
* Prime Minister’s Office (Civil Status Division)
* Ministry of Education and Human Resources
* Ministry of Health and Quality of Life
* Ministry of Youth and Sports
* Attorney General’s Office
* National Children’s Council
* Ministry of Local Government & Outer Island
* Ministry of Social Integration and Economic Empowerment
* the Ministry of Social Security, National Solidarity and Reform Institutions
* the Police Force
* A Protocol of Collaboration with the Ministry of Tourism and Leisure has been signed in November 2014. The Protocol addresses issues that require the key involvement of the Ministry of Tourism and Leisure, such as child trafficking at international level, sexual exploitation of children through grooming, child sex tourism and identification of perpetrators.
* An Inter-Ministerial Committee on Trafficking In Persons (TIP) was set up in December 2015 to look into the issue of TIP in Mauritius. Stakeholders were invited to forward their views and suggestions on the matter to the Attorney General’s Office. The Attorney General’s office prepared a working draft on the Proposed National Plan of Action for Combating TIP, which was circulated at the second Inter-Ministerial Committee held on 14th March 2016. The Ministry of Defense and Rodrigues has been mandated to look into the issue of TIP. A sub committee chaired by the Permanent Secretary of the Ministry of Defense and Rodrigues was set up and consultations are ongoing with relevant stakeholders to finalise same.

The Ministry is working in collaboration with the Ministry of Defense and Rodrigues regarding trafficking in Persons. Since April 2018, Officers of the Ministry are meeting at the level of both the Steering Committee and the Technical Committee that have been set up at the level of the Ministry of Defence and Rodrigues to discuss on issues on Trafficking in Persons.

1. **Enquiry**

* All cases of alleged child trafficking and child prostitution which are made known to this Ministry are recorded at the level of the Child Development Unit(CDU) for social enquiry and simultaneously are reported to the Police for Criminal Enquiry;
* Child victims are provided with immediate and long term protective and support services at the level of the six CDU Outstations across the island notably, at Goodlands, Flacq, Souillac, Port Louis, Bambous and Vacoas. Protective and supportive services are also provided at the Drop-in-Centre in Port Louis and Residential Centre at Grand River North West (GRNW).
* **Protective and Supportive Measures**:

The Protective and Support Services comprise the following -

1. A Hotline/Helpline 113 for reporting cases of child abuse inclusive of Child Trafficking through sale of children and domestic servitude and Commercial Sexual Exploitation of Children (CSEC), child prostitution and child pornography either anonymously or otherwise;
2. Joint interviews by the Police and CDU Officers to avoid repeated narrations of incident;
3. Assistance to victims of child trafficking for medical and Police Medical Examinations as well as HIV testing and pregnancy tests; and
4. Psycho-social counselling/ Psycho-social support to victims and their families.
5. There is a close collaboration with the Brigade Pour la Protection des Mineurs (BPLPDM) and other stakeholders to assist in the identification of victims and providing them support. The BPLPDM carries-out raids in game houses, hotels, discotheques and also investigate in suspected/alleged cases of child trafficking and CSEC.

* **The Drop-in-Center:** The Drop-in-Center was set-up in 2003 and it is specifically designed to cater and offer support services to those who are victims and potential victims of child trafficking and CSEC and who are willing to come out of the scourge of trafficking including child prostitution).
* Specialised services are provided to the CSEC victims, notably –
* Therapeutic and rehabilitative activities, example group counselling and focus group discussions;
* Monthly medical sessions/examinations;
* Contraceptive counselling; and
* Parental counselling.

**The Residential Drop-in-Center:**The Residential Drop-in-Center ensures better protection and assistance to children victims of Commercial Sexual Exploitation in a sustainable manner. It provides adequate, appropriate and safe shelter to child victims of exploitation, provides for opportunities for education as well as family mediation, provides for medical and psychological care in coordination with national health and social services).

**What are the remaining challenges and obstacles in overcoming this scourge?**

**Remaining Challenges are:**

1. Increase the minimum marriage age from 16 to 18 years with no exception.
2. Cooperate proactively with the international community on tackling offences related to the sexual exploitation of children, specifically in terms of mutual legal assistance, exchange of information, and investigation.
3. ***Children’s vulnerability to sale and sexual exploitation, including in the context of cross-border challenges, technology and innovation*: What is the available evidence about children’s vulnerability to sexual exploitation, including about existing and emerging drivers of risk (e.g. precarious socioeconomic situations, migration, conflicts and violence, climate change and natural disasters, digital space)? What groups of children (including on the grounds of gender, age, disability and social groups) are especially vulnerable to exploitation in general and/or specific forms thereof?**

During the year 2018, the Drop-In Centre registered a total of 521 cases, among which 297 were cases of teenage Mother/pregnancy, 81 were cases of sexual intercourse with minor under the age of 16, 8 sexually active cases, 43 were attempt upon chastity cases, 76 sexual abuse cases, 3 sodomy cases, 1 alleged child prostitution case, 7 cases of rape and 5 cases of abortion.

For the period January to August 2019, 371 cases were registered out of which 210 were cases of teenage Mother/ pregnancy, 51 were cases of sexual intercourse with minor under the age of 16, 1 sexually active case, 45 cases were related to attempt upon chastity cases, 41 sexual abuse cases, 17 sodomy cases, 1 alleged child prostitution case, 1 case of rape and 4 cases of abortion.

1. ***The overarching legal-normative framework, commitment and institutional capacity*:**

**What progress has been made in global, regional and national legislative frameworks to address children’s vulnerability to sale and sexual exploitation, and to address impunity? To what extent do these frameworks adequately address or take due account of the challenges posed by transnational internet and financial flows, and their implications for accountability and challenging impunity?**

The Mauritian Constitution, the Child Protection Act and the Criminal Code have been most instrumental in creating a legal framework for the outlining of the rights of the child, the protection of child welfare and the prosecution of offenders. In 2017, Mauritian government obtained its first prosecution for child trafficking under the Combating Trafficking in Persons Act. Mauritius is also a signatory of regional instruments, such as the SADC Gender and Development Declaration of 1997 as well as the Addendum on the Prevention and Eradication of Violence Against Women and Children and the African Charter on the Right and Welfare of the Child, along with other African Heads of States. Mauritius has ratified the Convention on the Rights of the Child (CRC) in 1990. The Optional Protocol to the CRC on the Involvement of Children in Armed Conflicts was ratified on 12 February 2009 and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography was ratified on 14 June 2011. A Third Optional Protocol on a Communications Procedure to the CRC was signed on 13 August 2012. Additionally, Mauritius has ratified the Palermo Protocol on Trafficking in Persons.

**Legislations:**

**Child Protection Act (1994)**

Regarding legislations on **Child Prostitution**, **section 14 (1)** of the **Child Protection Act (1994)** provides that: “(1)any person who causes, incites or allows any child –

1. to be sexually abused by him or by another person:
2. to have access to a brothel;
3. to engage in prostitution,

* shall commit an offence.”

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

1. “where the victim is mentally handicapped, to penal servitude for a term not exceeding 30 years;
2. in any other case, [to a fine not exceeding 100,000 rupees and] to penal servitude for a term not exceeding 20 years.”

**The Child Protection Act (2005)**

The Child Protection Act of 1994, was further amended in December 2005 to make provision for all cases of child trafficking, abandonment and abduction.

**Section 13A of the Child Protection Act – Child Trafficking** provides for -

1. “Any person who willfully and unlawfully recruits, transport, transfers, harbours or receives a child for the purpose of exploitation shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.”
2. Any person who willfully and unlawfully recruits, transports, transfers, harbours or receives a child –
3. outside Mauritius for the purpose of exploitation in Mauritius;
4. in Mauritius for the purpose of exploitation outside Mauritius shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 15 years.”

**Child Trafficking:**

**Combatting of Trafficking in Persons Act (2009)**

The combating of Trafficking in Persons Act 2009 prohibits all forms of trafficking of adults and children and prescribes penalties of up to 15 years` imprisonment for convicted offenders.

**Note:**Online child sexual exploitation (OCSE) has been addressed in the Children’s Bill 2019. A copy of the Bill can be downloaded on the Ministry website or National Assembly website (gender.govmu.org)

1. ***New and innovative strategies to effectively prevent and protect children from sale and sexual exploitation*: How adequate is our global multi-stakeholder response to this complex phenomenon (States, NHRIs, domestic and international policy-makers, international and regional human rights mechanisms, CSOs, private sector)? How adequate are current systems and strategies to protect children effectively? What are the current global and domestic human rights and protection challenges in the context of evolving global developments? Are there sufficiently accessible complaints mechanisms available to victims and their representatives?**

Answers are found in question (ii) and (iv)

1. **Data and monitoring:**

**How effective are current tools and monitoring systems, including collection, analysis and publication of routine data, in supporting the prevention of response to the sale and exploitation of children?**

The Child Protection Register**(**CPR) is a key innovative computerization project aimed at enabling the Child Development Unit (CDU) to record and address cases of children in distress reported at the Ministry with increased efficiency.The CPR aims at streamlining the record-keeping system, ensuring easy real time access for better follow up of cases. The CPR software was launched on 16 June 2014.

1. **Institutional accountability:**

How far are responsibility and accountability of each and all pertinent actors being enforced and upheld (including corporations in the tech, travel and tourism and other sectors)?

**U**nder the “W**orking Together” concept, a High Powered -**

**Working Together Committee** was set up, on 04 November 2010, chaired by

the Permanent Secretary of this Ministry to look into the avenues of collaboration

amongst all stakeholders dealing with issues relating to the protection, development

and welfare of children.

After consultations and discussions, Memoranda of Understanding (MOU) - Protocols of Collaboration have been signed between various Ministries forming part of the High Powered - Working Together Committee to ensure that a continuum of care is provided to the child victim upon the notification and report of the case.

Meetings are held to take note of effectiveness of service delivery to children especially to children victims of violence. The meeting provides the appropriate platform for parties’ concerns; there are reviews of procedures regarding actions taken to sort out distress of children referred to the different institutions ranging from the Child Protection Services, Schools, Hospitals, Police Stations, and Social Security Officers amongst other.

A Protocol of Collaboration with the Ministry of Tourism and Leisure has been signed in November 2014. The Protocol addresses issues that require the key involvement of the Ministry of Tourism and Leisure, such as child trafficking at international level, sexual exploitation of children through grooming, child sex tourism, identification of perpetrators, involvement of other stakeholders.

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1. **The way forward:**

Children’s Bill has been introduced in the National Assembly on Tuesday 17 September 2019 for first reading. The Bill makes better provision for the care and protection of children; to establish a Children’s Court; and to give better effect to the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.