

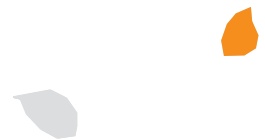


Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

MAURITIUS



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

CDU: Child Development Unit

CEDAW: Committee on the Elimination of Discrimination against Women

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

FSBx: Family Support Bureaux

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ILO: International Labour Organization

INGO: International non-governmental organization

ISPs: Internet service providers

MFPA: Mauritius Family Planning Association

MWRCDFW: Ministry of Women's Rights, Child Development and Family Welfare

MoU: Memorandum of Understanding

NCC: National Children's Council

NGO: Non-governmental organization

NPA: National Plan of Action

SADC: Southern African Development Community

UN: United Nations

UNICEF: United Nations Children's Fund

WHO: World Health Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

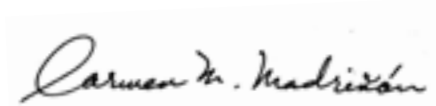
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



MAURITIUS

According to a 2003 study conducted by the University of Mauritius, the commercial sexual exploitation of children (CSEC) is well organised in the country.¹ It is perpetrated by powerful criminal rings with the assistance of intermediaries such as taxi drivers, caretakers of bungalows and pensionnat (boarding schools), staff from hotels, bars and nightclubs, relatives of the children, and some influential members of society.² The exploitation of children takes place in nightclubs, brothels, apartments, bungalows and in the residences of pimps.³ Child victims come from all regions and ethnic groups;⁴ it is estimated that around 2,600 girls below the age of 18 are currently exploited in commercial sex.⁵ There is no information regarding the incidence of boys' prostitution. Reports indicate that children generally enter prostitution between the ages of 10 and 17, the average age being 13.⁶ Child prostitution is quite prevalent in Port Louis, the capital city, and also occurs in other regions of the country, such as Rodrigues.⁷ Most of the demand for sex with children comes from local perpetrators.⁸

School children being targeted by CSEC networks

Recent studies show that the CSEC criminal networks are reaching out to schools.⁹ During the research on commercial sexual exploitation of children conducted by the University of Mauritius, many secondary school teachers interviewed alluded to the ensnarement of school children. Some hinted or openly spoke of local networks that lure students into prostitution, often with the assistance of 'friends' of the children, mainly former students who were themselves involved in prostitution and who knew which other students were more vulnerable and likely to be persuaded. In some cases, boyfriends played such a role. Other teachers hinted at the role played by 'modelling agencies' and drug dealers.¹⁰

While much of the currently available information points to a majority of local clientele where child prostitution is concerned, child sex tourism is also clearly part of the child sexual exploitation that occurs in Mauritius. The heavy involvement of foreign tourists and residents was confirmed by a 2002 research study, where 63.2 per cent of the 112

child victims who provided data explained that they had been exposed to non-Mauritian clients.¹¹ Among these, six out of 10 explained that they “preferred” non-Mauritians.¹² In much the same way as it occurs in tourism destinations around the world, the research asserted that hotel employees, taxi drivers and bar staff help facilitate contact between tourists and children.¹³ Nationals from France, South Africa and Germany were cited as those who most actively seek children for sexual contact.¹⁴

Mauritius is both a source and a destination country for trafficking in women and children. Those trafficked into Mauritius are mainly from Madagascar¹⁵ and end up as prostitutes in Port Louis, the town of Grand Bay or other beach resort areas.¹⁶ Anecdotal reports also account for the trafficking of children to and from the neighbouring French territory Réunion. The UN Committee on the Elimination of Discrimination against Women (CEDAW) has flagged concerns about the lack of information on the extent of trafficking in young girls for sexual purposes, as well as on the absence of comprehensive legislation and systematic measures to address the problem.¹⁷

The use of children in pornography as well as their access to pornographic materials was pointed out by the Indian Ocean Child Rights Observatory. School children have been found to record pornographic scenes, featuring themselves, on their mobile phones, to subsequently upload them onto the Internet or distribute them for sale on CD-ROMs. In February 2006, a child pornography ring was discovered in Mauritius. Regulations to protect children from being used in or exposed to pornography are not always enforced.¹⁸

Steady action against CSEC taken in the last few years

In 1997, in an attempt to assess the magnitude of the problem and to identify the leading causes of commercial sexual exploitation of children in Mauritius, a study was conducted with the assistance of the United Nations Children’s Fund (UNICEF) and the World Health Organization (WHO). Based on its findings, the *National Plan of Action on the Protection of Children against Sexual Abuse, including Commercial Sexual Exploitation of Children* was developed. A second study was carried out in 2001, with information collected from a wide range of respondents, namely children, adult sex workers, taxi drivers, pimps, employees of hotels, bars and discos, tourists, representatives of NGOs, community-based organisations, teachers, elected members of village councils, doctors, lawyers and so on. Sexual aggression directed towards young girls was then identified as an issue of special concern. One of the main recommendations from the study was to set up institutions such as half-way homes or drop-in centres, to provide care for child victims of sexual exploitation. As a follow up, a drop-in centre for victims of CSEC was created, among several other important measures related to coordination, prevention, protection and child participation that were incorporated in the National Plan of Action (NPA).¹⁹

Underlying causes of CSEC in Mauritius include sexual abuse within and outside the family, high rates of school drop outs, substance abuse, broken or harmful family environments and negative influences from peers.²⁰ There is also a correlation between child prostitution, early pregnancy and abortion.²¹ A 2003 UNICEF study on CSEC in Mauritius revealed that 62.5 per cent of the children in their sample had a family member or close relative who was involved in prostitution, most often their mother.²²

Mauritius adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Mauritius' *National Plan of Action on the Protection of Children against Sexual Abuse, including Commercial Sexual Exploitation of Children* was drafted in 1998. Its implementation is being overseen by a Steering Committee comprising the police, probation officers, the Ministries of Social Security, Health and Education and NGOs.²³ UNICEF reports that the NPA has been very useful,²⁴ as it has provided a framework for action by identifying the strategies and measures that need to be adopted and, most importantly, the various partners to carry out these activities. The Plan has also provided a platform of consensus for stakeholders. As a result of the NPA, more NGOs and community-based associations have become involved in tackling CSEC. Both the Government and NGOs have carried out sensitisation campaigns²⁵ that have resulted in a greater understanding of the issue and also increased reporting of cases by both children and other members of the public.²⁶

The NPA is divided into eight areas: data collection; sensitisation; education and information; support to vulnerable children; counselling services; protection; prevention; and rehabilitation.²⁷ Activities envisaged include the development of a CSEC database; indicators for properly monitoring the incidence of commercial sexual exploitation of children in the country; measures to tackle school absenteeism (identified as a key factor pushing children into CSEC);²⁸ legal reform; the establishment of drop-in centres with psychologists to assist child victims and their families;²⁹ and the creation of child and youth clubs in schools to provide peer-to-peer education and support in relation to child rights, abuse and CSEC; economic programmes to assist impoverished women and children; and training for law enforcement and community leaders.³⁰ Several of these activities have been implemented - in particular see the initiatives undertaken by the National Children's

Council and the Ministry of Women's Rights, Child Development and Family Welfare (MWRCDFW) outlined in various sections of this report. Funding has also been given to local NGOs to undertake education and public awareness programmes.

Despite the commendable efforts made by the Government of Mauritius to implement the NPA against CSEC, problems and obstacles have been encountered, particularly in relation to limited allocation of funding. The NPA also lacks provisions for skills training programmes to enable livelihood alternatives for child victims of commercial sexual exploitation, which hinders rehabilitation and reintegration efforts. Furthermore, it is usually not possible to reintegrate child victims into the school system due to strict regulations and negative social attitudes. The school system offers no guidance and support to victimised children. Finally, it is acknowledged that sensitisation of the police force is still needed to dispel negative attitudes towards child victims.³¹

COORDINATION AND COOPERATION

Local and National Level

Under the aegis of the MWRCDFW, the National Children's Council (NCC) was created, gathering governmental departments as well as 72 NGOs and affiliate members.³² NCC functions as the key consultative and coordinating national body on child protection and welfare issues. It is also the ECPAT group in Mauritius, and the national focal point on CSEC. Furthermore, an Ombudsperson for the Children's Office was created in December 2003. It has the power to conduct in-depth inquiries with regard to complaints of violations of children's rights; and to make recommendations to different authorities on child protection issues.³³ The Ombudsperson has advocated strongly with local authorities on several child rights issues, working closely with the Commissioner of Police.³⁴ However, it has been noted that this institution has not been given adequate human or financial resources for effective functioning.³⁵

The Child Development Unit (CDU) was set up in 1995 within the MWRCDFW to enforce legislation pertaining to children and to implement policies and programmes relating to their development, protection and survival.³⁶ The Unit works in collaboration with other agencies, such as the Police Department, to provide 24-hour support to children vulnerable to or exploited in commercial sex, through hotlines, free legal assistance and psychological counselling. In 1996, its services were decentralised to six regions around the island through the Family Support Bureaux (FSBx) and in Rodrigues, to ensure a proximity service.³⁷

Finally, the MWRCDFW established a Child Info Database Programme whereby child-friendly software collects and disseminates information pertaining to children's health, education, social security, etc., thus assisting concerned organisations in designing appropriate interventions to improve the welfare of children.³⁸

Regional and International Level

The UN Committee on the Elimination of Discrimination against Women recommended that Mauritius collaborate with countries in the region to prevent and combat trafficking in women and young girls.³⁹ The Minister of Women's Rights, Child Development and Family Welfare of Mauritius has initiated a dialogue with other stakeholders in the region to establish a "regional network geared towards devising regional policies, thus enhancing coordinated action to curtail the commercial and sexual exploitation of children".⁴⁰

In 2004, the Indian Ocean Child Rights Observatory was opened in Mauritius under the aegis of the University of Mauritius and in partnership with UNICEF and the Indian Ocean Commission. The Observatory collects data on child rights, analyses it in comparison with the five Indian Ocean country members and makes available regular reports and recommendations to enable these countries to develop appropriate strategies to improve the welfare of children.⁴¹ It is hoped that the Observatory will be instrumental in harmonising data collection mechanisms across different organisations, thus assisting law enforcers to better target their operations.⁴²

Follow up to ensure child safety on the Internet required

In 2003, a Childnet International Research and Policy Officer visited Mauritius to conduct a series of interviews with various organisations and relevant government departments, including the Ministry for Education and Scientific Research, the Ministry of Information Technology and Telecommunication, the State Law Office, the National Computer Board, the National Children's Council and the Police, and industry representatives and several schools.⁴³ The fact-finding visit was part of a review process on child safety on the Internet in Mauritius, and a report was submitted to the Ministry, making recommendations for policies to ensure that children are protected online. No information has been obtained in relation to follow-up action.

Finally, in 2004 a meeting was held in Mozambique by the Southern African Regional Police Chiefs Cooperation Organization, focusing on "Violence against Women and Children". Police chiefs from Southern African Development Community (SADC) Member States agreed to take strong action against trafficking in children and the trafficking of human organs in the region.⁴⁴

PREVENTION

In collaboration with NGOs, the Mauritian Government regularly runs sensitisation campaigns targeting young people to make them aware of the dangers of commercial sexual exploitation and unsafe sex, using television and radio programmes, the distribution of posters, stickers and pamphlets, creative activities and rallies in vulnerable areas.⁴⁵ Talks are also given to school children at primary and secondary levels, parents in regions at-risk and to the community at-large.⁴⁶

One such campaign was launched in 2001 by NCC. A special training programme on child abuse was subsequently organised for primary school teachers in 2003.⁴⁷ The Child-to-Child Approach is another sensitisation project conducted by NCC, aimed at involving children in peer support activities; over 12 Child-to-Child clubs have been set up around the country.⁴⁸ In 2004, the Ombudsperson for the Children's Office organised a campaign entitled '16 days, 16 rights' which involved discussion forums between children, parents and

teachers concerning the *Convention on the Rights of the Child*. The Office recently launched a campaign to follow up on the United Nations Study on Violence against Children.⁴⁹

One of the Ministry of Women's Rights, Child Development and Family Welfare's main measures in terms of preventing CSEC was the creation of Community Child Protection Committees, which seek to detect and follow up on cases of child abuse. Another important initiative was the development of Child Watch Networks, whose primary objective is the early identification and detection of children at risk of abuse or already victimised, besides fostering awareness, solidarity and a coordinated approach to abuse of children. Established in six regions of the country, the networks operate in collaboration with a pool of volunteers, social workers, psychologists, professionals, medical practitioners, teachers, NGOs, family support officers, community members and leaders.⁵⁰ Their work also involves research and advice on measures to protect children at risk of abuse and neglect.⁵¹ Children at risk of abuse and exploitation are referred for appropriate action to the CDU.⁵²

In 2003, the Ministry organised a training-of-trainers workshop targeting social workers, police, educational and NGO personnel. The training was aimed at building their capacity on child protection issues and in particular on the psychosocial rehabilitation of child victims of commercial sexual exploitation.

In addition, a Parental Education Programme was set up in 2003, aimed at avoiding conflicts at home, strengthening care of children and enhancing parents' understanding of child rights. The programme has been undertaken in collaboration with 16 primary schools located in deprived regions of the country,⁵³ and is expected to be expanded in order to encourage the involvement of parents in the activities of child care centres.⁵⁴

A hotline service of the Ombudsperson's Office and CDU was established.⁵⁵ A hotline was also made available to the public for the referral of cases of child prostitution.

In relation to Internet safety, in 2006 the Internet Child Safety Foundation launched a year-long awareness raising campaign targeting young people. It involved school visits as well as the distribution of educational materials,⁵⁶ and the first in a series of seminars was held in the rural region of Batimaraï.⁵⁷ A National Symposium is also planned, where the findings of a study on Internet usage will be presented.

PROTECTION

Mauritius acceded to the *Convention on the Rights of the Child (CRC)*⁵⁸ in 1990, “with express reservation” to Article 22, which addresses protection for refugee children. In 2001, Mauritius signed the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*,⁵⁹ but has not ratified it to date. Mauritius acceded to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*⁶⁰ in 2003, and ratified *ILO Convention No. 182*⁶¹ in 2000. At regional level, Mauritius ratified the *African Charter on the Rights and Welfare of the Child* in 1992.

Mauritius’ reservation regarding the CRC’s provision on refugee children weakens its protection against child trafficking, and is currently being reviewed.

Legislation

The main legal provisions that address the commercial sexual exploitation of children in Mauritius are the *Criminal Code* and the *Child Protection Act* of 1994. The *Child Protection Act* was amended in 2005 to explicitly prohibit child trafficking for purposes of exploitation.⁶²

Prostitution of Children

Mauritius’ legal provisions related to child prostitution lack the comprehension and clarity of standards set forth in international law, and would greatly benefit from further revisions. Although current laws forbid causing, inciting or allowing a child to engage in prostitution, as well as procuring, enticing, exploiting or facilitating child prostitution, the definition of prostitution is vague and unclear, which may lead to certain sexual acts with children not being criminalised: none of these laws ban the act of using a child in sexual activities for remuneration or any other form of consideration, according to the definition of the *Optional Protocol* (which Mauritius should ratify as an initial step). In addition, the *Child Protection Act* and the *Criminal Code* overlap and have varying punishments for similar acts related to prostituting a child. These provisions should be integrated into a law that fully defines and prohibits child prostitution in conformity with international standards.

According to the Mauritius Government, the age of consent is 16, while the minimum age of marriage for boys and girls is 18. However, the minimum age for a girl to marry can be lowered to 16 where the parents of both the children consent.⁶³

The *Child Protection Act* and the *Criminal Code* contain provisions related to child prostitution. Under the *Child Protection Act*, it is illegal to cause, incite or allow a child to be sexually abused by the offender or by another person; have access to a brothel; or to engage in prostitution.⁶⁴ Sexual abuse of a child includes being forced or voluntarily taking part in any sexual act for another person's pleasure; any pornographic, obscene or indecent activity; or any type of exploitation.⁶⁵ Violators may be punished with up to five years' imprisonment and a fine up to 50,000 Rupees (approx. US\$ 1,580);⁶⁶ the punishment is increased to up to eight years' imprisonment and a fine up to 75,000 Rupees (approx. US\$ 2,370) where a prostituted child is mentally handicapped.⁶⁷

The *Criminal Code* prohibits procuring or exploiting a child for prostitution or acting as an accomplice to child prostitution, even if the offender has no motive or gain for doing so.⁶⁸ Similarly, it is illegal to procure, entice, exploit, benefit from, share earnings or receive money from a prostituted person; violators may be punished with between two and ten years' imprisonment and a fine up to 10,000 Rupees (approx. US\$ 315).⁶⁹ Keeping a brothel is illegal, and may be punished with up to five years' imprisonment and a fine of up to 100,000 Rupees (approx. US\$ 3,150). Allowing a child to use premises that are used for a brothel is also a crime that may be punished with at least two years' imprisonment.⁷⁰

The crime of sodomy when committed against children, may be punished with at least two years' imprisonment.⁷¹ Mauritius law also includes sexual crimes such as rape, indecent acts with a child under 12 years of age, incest and debauchery of youth.⁷²

Trafficking in Children for Sexual Purposes

By prohibiting activities related to the trafficking of children for prostitution and other forms of sexual exploitation, Mauritius law protects children from trafficking for sexual purposes and meets the standards of the *Trafficking Protocol*.

In 2005, the *Child Protection Act* was amended to include specific provisions on child trafficking. The law now makes it illegal to recruit, transport, transfer, harbour or receive a child for purposes of exploitation;⁷³ exploitation includes prostitution and other forms of sexual exploitation.⁷⁴ The amended *Child Protection Act* also targets activities outside Mauritius and bans facilitating or being involved in any act outside Mauritius in furtherance of recruiting, transporting, transferring, harbouring or receiving a child for purposes of exploitation;⁷⁵ recruiting, transporting, transferring or harbouring a child outside Mauritius for exploitation in Mauritius;⁷⁶ or recruiting, transporting, transferring, harbouring or receiving a child within Mauritius for exploitation outside Mauritius.⁷⁷

Furthermore, it is illegal to be involved in any transaction for any valuable consideration in which the possession, custody or control of a child is transferred or conferred, in whole or in part, temporarily or permanently.⁷⁸ Similarly, it is a crime to harbour or possess custody or control of a child whose temporary or permanent custody or control has been transferred or conferred for valuable consideration by a person within or outside the country.⁷⁹

For all of these child trafficking offences, convicted offenders may be punished with up to 15 years' imprisonment.⁸⁰ The law further protects child witnesses to these crimes by making it illegal for the press to publish or broadcast information, including photographs or other images that could reveal the trafficked child's identity; violators may be punished, for each offence, with up to one year imprisonment and a fine of up to 100,000 Rupees (approx. US\$ 3,150).⁸¹

The amended *Child Protection Act* also outlines offences related to abandoning and abducting a child.⁸²

Child Pornography

Mauritius' laws need significant revision in order to sufficiently protect children against pornography. The current law fails to define child pornography, so it remains unclear whether a pornographic sexual act under current law is as broad as the definition of child pornography in international law: any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.⁸³ The law also lacks provisions that ban

possessing and distributing all types of child pornographic materials. Moreover, the current law does not appear to include simulated images or the variety of ways in which child pornography can be stored and consumed, such as photographs and depictions, audio files and digital, electronic or other computerised formats.

Mauritius law addresses the creation of child pornography, but contains no provisions related to distributing or possessing child pornographic images. Under the *Child Protection Act*, it is illegal to cause, incite or allow any child to be forced to or voluntarily take part in a sexual act for the purpose of any pornographic, obscene or indecent nature.⁸⁴ Along the same lines, this law classifies as harmful to children the act of using a child in an advertisement in a manner that causes reactions that are contrary to morality or are detrimental to the child's psychological development.⁸⁵ There are also provisions that make it illegal to expose children to obscene materials; for example, it is against the law to sell, lend or distribute obscene materials to a child;⁸⁶ or to subject a child to an advertisement that causes reactions that are contrary to their "morality or detrimental to psychological development."⁸⁷

The *Computer Misuse and Cybercrime Act* was enacted in 2003, making, *inter alia*, child pornography a criminal offence.⁸⁸

Extraterritorial Legislation

Mauritius has extraterritorial legislation related to child trafficking; traffickers can be prosecuted in Mauritius for performing acts within or outside Mauritius, in furtherance of or related to child trafficking for exploitation.⁸⁹ However, Mauritius does not have extraterritorial legislation related to other forms of commercial sexual exploitation, such as child prostitution or child pornography.

Child Protection Units

In May 2004, the Mauritius Police Force established the Brigade for the Protection of Minors, whose priorities include acting as a watchdog against all forms of exploitation and abuse against children. It aims to provide meaningful and sound protection for children and to offer guidance and support to parents whose children have been subjected to abuse. In addition, officers of the Family and Remand Protection Unit of the Police Force are trained to combat CSEC specifically.⁹⁰ In 2005-2006, funding was granted to increase the human resources and mobility of the Brigade from five to 25 officers and from one to five vehicles.⁹¹

The Child Development Unit, based upon inter-agency cooperation, provides integrated services in one location so that child victims of crimes do not have to undergo repetitive interviews and questions.⁹²

Support Services for Children

The Committee on the Rights of the Child has noted the lack of comprehensive units with specialised personnel to care for the recovery, rehabilitation and reintegration of abused children, as well as the lack of alternative homes for children.⁹³ It has also been noted that not enough is being done in terms of providing children with alternative livelihood opportunities, which hinders their full rehabilitation and reintegration into society.

The Government opened a drop-in-centre for child victims of commercial sexual exploitation that offers counselling and education. Operated by the NGO Mauritius Family Planning Association (MFPA), in collaboration with the Ministry of Women's Rights, Child Development and Family Welfare,⁹⁴ it has promoted its services through bumper stickers, a toll-free number and community outreach. At present, children in need of housing are referred to government-funded NGO shelters, but a residence is soon to be opened. To provide specific protection for trafficking victims

in particular, a full-time social worker was assigned to the MFPA centre in 2005. The social worker has conducted outreach in the community and in schools as well as provided counselling to troubled youth. As Mauritius does not have a substantial number of identified child trafficking victims, there is no dedicated shelter available for this group of children.⁹⁵

The Shelter for Women and Children in Distress also runs rehabilitation programmes for victims of commercial sexual exploitation.⁹⁶

A training manual was developed on the psychosocial rehabilitation of child victims of commercial sexual exploitation with the assistance of ECPAT International. Training

of trainers was conducted and officers from both government institutions and NGOs dealing with CSEC will continue to be trained.⁹⁷

Training Law Enforcement Personnel

Training on how to deal with victims of commercial sexual exploitation is given to all new recruits of the police force. More than 360 sergeants and inspectors from the police force have undertaken this training programme, which includes modules on child abuse, interview techniques, collection of evidence and support to vulnerable groups and to victims.⁹⁸



PRIORITY ACTIONS REQUIRED

- Sufficient financial resources must be allocated for the full implementation of the *National Plan of Action on the Protection of Children against Sexual Abuse*, including Commercial Sexual Exploitation of Children.
- Involving the hotel and tourism industry in efforts to prevent the sexual exploitation of children in tourism is essential: the adoption of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* by tourism industry stakeholders must be fostered.
- In an effort to tackle the demand for sex with children, there is a need for awareness raising on CSEC targeting child sex exploiters and facilitators such as taxi drivers, hotel and bar staff, etc. Sensitisation campaigns must alert them about the long-term damage inflicted upon such children and also emphasise that sexual exploitation of children is a crime.
- Mauritius must ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*.
- The laws on child prostitution should be revised so that what actually constitutes ‘prostitution’ is clearly defined according to the standards of the *Optional Protocol*. Also, the provisions in the *Child Protection Act* and the *Criminal Code* should be integrated into one law, so that punishments for similar acts related to prostituting a child are standardised, instead of being inconsistent, as is presently the case.
- Mauritius’ laws against child pornography need to be revised so that child pornography is clearly defined according to the standards in the *Optional Protocol*, i.e. any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. Moreover, possessing and distributing child pornographic materials should be criminalised. The law must also cover simulated images, photographs and depictions, audio files and digital, electronic or other computerised formats.
- Mauritius’ extraterritorial legislation must cover all forms of commercial sexual exploitation, such as child prostitution and child pornography, instead of being restricted to child trafficking only.

- ✎ To enable the effective reintegration of CSEC victims into society, a comprehensive programme to ensure their access to education and to livelihood alternatives is urgently required.
- ✎ The Family and Remand Protection Unit of the Police Force, as well as the Brigade for the Protection of Minors, must receive ongoing training in order to keep up-to-date on the latest trends and modes of combating commercial sexual exploitation of children.
- ✎ The development of a CSEC database, envisaged as part of the national plan of action against CSEC, should be initiated following research and consultation with countries where such a database has already been designed. The Child Info Database Programme from the Ministry of Women's Rights, Child Development and Family Welfare could perhaps be adapted for this purpose.
- ✎ Continuous awareness raising to prevent school children from being lured into commercial sex is highly recommended. Such efforts should target students, teachers, school authorities and the surrounding communities, and be accompanied by the enforcement of child protection policies in schools.

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