

ORAL ANSWERS TO QUESTIONS

CHILDREN – SEXUAL EXPLOITATION

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to the trafficking of children for the purpose of sexual exploitation, he will state if –

- (a) he is aware of last month's US State Department Report, reporting that there are some 2,600 child prostitutes in Mauritius and that the Police and the authorities are not doing enough to eliminate child prostitution rings, in particular, in the tourism industry and, if so, will he state the actions taken, if any, and
- (b) Mauritius complies with the minimum standards for the elimination thereof, indicating if the –
  - (i) Police is provided with the necessary resources, and
  - (ii) existing legislating caters thereof.

**The Prime Minister:** Mr Deputy Speaker, Sir, each year, the US Department of State issues a report to monitor the progress of several countries to eliminate trafficking in persons which is defined as -

“The recruitment, transportation, transfer, harbouring or receipt of persons, by mean of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs”.

Each country under scrutiny by the United States is classified in four TIER Placements, namely -

TIER 1, which includes countries whose governments fully comply with the US Trafficking Victims Protection Act's minimum standards.

TIER 2 groups countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

TIER 2 WATCH LIST, which includes countries whose governments do not fully comply with the TVPA's minimum standards but are making significant effort to bring themselves into compliance with those standards and -

- (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, or
- (c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

TIER 3 groups countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

As the House may be aware, Mr Deputy Speaker, Sir, in the US Department of State Trafficking in Person Report of 2005, and which refers to conditions prevailing in the previous year, Mauritius was placed in the TIER 2 WATCH LIST category, which is, as I said, a TIER lower than the TIER 2 category assigned to Mauritius in 2004.

The fact that Mauritius has now progressed in the TIER placement in 2006, I think, is a testimony of the various actions taken by the Government to combat trafficking in persons and child prostitution. As a matter of fact, the trafficking of persons mentions “the Mauritian Government demonstrated increased anti-trafficking laws enforcement efforts, vigorously investigating cases of human trafficking throughout the year”.

For the information of the House, I should like to enumerate those actions, Mr Deputy Speaker, Sir -

- The Ministry of Tourism has set up a multi stakeholders committee to address the issue of child prostitution and is finalising a brochure to sensitise all tourist agents.
- The “*Brigade pour la Protection des Mineurs*” (BPM) is now working in close collaboration with the Ministry of Women’s Rights, Child Development, Family Welfare and Consumer Protection on the protection of the child from all forms of abuse including commercial sexual exploitation of children.
- To create public awareness, sensitisation and awareness campaigns targeted towards children are carried out on a regular basis through media by way of radio and television programmes. Talks are delivered to school children at primary and secondary levels, to parents, in regions at risks and to the community at large with a view to sensitise on the protective needs of children against all forms of harm and abuse.
- Construction of a residential Drop-in Centre at GRNW is being envisaged with a view to removing victims of commercial sexual exploitation from their living environment, where they are exposed to the risk of being engaged in prostitution by family members and peers. The removal of victims from their environment will ensure their successful rehabilitation.

- Information, education and communication campaigns, which are ongoing, is being enhanced in primary, secondary and tertiary educational institutions with a view to educating children about the problems associated with commercial sexual exploitation.
- Professionals, such as Family Welfare & Protection Officers, Child Welfare Officers, Police Officers, Probation Officers, Medical Social Workers and NGOs working with children have been trained by a local consultant with a view to providing better services to victims of CSEC. The training programmes are ongoing.
- The National Parental Empowerment Programme, which was launched on 30 May 2007, provides guidance to parents regarding the sexual education of their children.
- Since January 2008, crackdown operations are organised at regular intervals by officers of this Ministry, of the Women's Rights, Child Development, Family Welfare & Consumer Protection, National Children's Council, *Brigade des Mineurs*, in collaboration with NGOs to ensure that young persons and students are attending schools during normal school hours. Such operations are seen to contribute in an efficient way to prevent young persons from playing truancy and loitering thereby getting involved in illicit activities. These operations are carried out all around the island.
- A Community Child Protection Programme has been launched in August 2007 to ensure that local communities are also closely involved in the protection of children. Communities are sensitised on the phenomenon of child abuse and are thus capable of initiating actions at their end when children are at risk, thus contributing to prevent child abuse, including commercial sexual exploitation of children. A surveillance mechanism in high risk areas has also been set up. A capacity building programme has been launched in May this year.

- The Child Protection Act 1994 was further amended in December 2005, to make provision for all cases of child trafficking, abandonment and abduction to be dealt with by officers of the Ministry of Women's Rights, Child Development, Family Welfare & Consumer Protection who are responsible for child welfare and development. Tougher penalties have also been provided for, in case of contravention of the provisions of the law. Penalties under the present Child Protection Act for sexual offences and indecent photographs of children have been revised from a fine of Rs50,000 and imprisonment not exceeding 5 years to Rs75,000 and 8 years respectively. As for cases of mentally handicapped victims, offenders will be liable to a fine of Rs100,000 and imprisonment not exceeding 15 years instead of Rs75,000 and 8 years respectively.

As regards part (b) of the question, although Mauritius is not fully compliant with the minimum standards set out in the United States Trafficking Victims Protection Act we have taken a series of measures as I have indicated earlier to address the situation.

- So far, a total of 831 officers of different ranks both male and female have been trained in courses ranging from trafficking in persons to sensitization against sexual exploitation and abuse of minors.
- On a regular basis, Police officers visit schools and deliver talks and lectures on child abuse and services available for the protection of children.
- On a regular basis, in collaboration with the social workers of the Ministry of Education and also with the Child Development Unit reconnect children who are cut off from schools to the education system.
- Regularly, Police officers refer children who have been abused, to the Child Development Unit for psychotherapy and placement to shelters, if required.

In addition, the Police provide the following services –

- 24-hour hotline service.
- At divisional level, an Operations Room is open on a 24-hour basis.
- Likewise, at Line Barracks the Operations and Information Room is open on 24-hour basis.
- A protocol of assistance to child victims ranging from protection to counseling exists, whereby all Police officers serving in any part of the country know how to deal with reported cases of child abuse.
- With the amendment of the Child Protection Act in 2005, and incorporation of a comprehensive anti-child trafficking provision, the penalty of imprisonment has been made stricter – by providing for imprisonment not exceeding fifteen years.

With regard to part (b) (ii) of the question, the Child Protection Act 1994 was amended in December 2005 to provide for child trafficking, child abduction, abandonment of child as offence and punishable by law.

However, Mr Deputy Speaker, Sir, with a view to providing better protection to children as well as adults, a holistic approach is being considered and all provisions relating to human trafficking are being clustered under one legislation. We need to criminalise trafficking in person, prevent potential victims falling prey to traffickers, detect and prosecute and punish all those involved in that activity, raise awareness even more, promote collaboration among law enforcement agencies and foster partnership with civil society and all stakeholders.

In that respect, Mr Deputy Speaker, Sir, the State Law Office had already prepared a draft Bill in February 2008. The draft has now been finalized and it is called “Combating of Trafficking in Persons” Bill. These followed preliminary comments on the draft Bill by the United Nations Office for Drugs and Crime (UNODC), a request for assistance was conveyed to the UNODC through the Ministry of Foreign Affairs, International Trade and Cooperation in February 2008.

In April 2008, UNODC responded positively to our request for assistance in the drafting of the Bill. In this context, a Senior Legal Adviser visited Mauritius in June 2008. Working sessions were held with stakeholders and the views of UNODC on the Bill, following the visit of the Senior Legal Adviser, are awaited, but otherwise the Bill is actually being finalized and should be ready very soon

**Mr Bérenger:** I am sure the hon. Prime Minister will agree with me that that figure put forward by the United States of some 2,600 child prostitutes in Mauritius is very disturbing. He has refrained from making reference to that figure. Can I ask the hon. Prime Minister whether he agrees with that figure and whether the Police and other authorities in Mauritius have carried out a thorough inquiry to try and arrive at a given figure?

**The Prime Minister:** In fact, Mr Deputy Speaker, Sir, I did not refer to that figure, because in the 2008 report, no mention is made of that figure of 2,600. In fact, in 2001 the Ministry of Women's Right, Child Development and Family Welfare commissioned a study which was done by the University of Mauritius. In that study, which the report was published in 2002, the figure of 2,600 is mentioned. But, I should say, Mr Deputy Speaker, Sir, the figure is mentioned, but if I read it from the report 2002, it says that according to the estimates made by the study, there may be as many as 2,600 children victims in Mauritius. But, the new report does not refer to that figure, that is why I did not refer to that figure. There is no new survey that is being carried out just now, whether we should or not, perhaps we should look at that.

**Mr Bérenger:** I think the hon. Prime Minister is aware that it is not only in the reports of the United States Department that that figure is quoted, but in several reports. For example, the US Department of Labour Report on labour in different countries also makes reference to the figure. I quote –

“Mauritius has an estimated 2,600 child prostitutes”

This is being quoted as a kind of accepted figure. Being given the impression that has been given by the latest report, very harsh words that the authorities are not doing enough to eliminate prostitution rings involving children, very tough comments, does not the hon. Prime Minister think that



we should react? For example, in not a distant past, New Zealand was referred to in the US Department Report and the Minister of Foreign Affairs and Trade came out with a press communiqué, a reaction, and also a reaction on Internet, because these figures are not only in the press, but on the Internet also.

**The Prime Minister:** As I said, Mr Deputy Speaker, Sir, that figure of 2,600 came out from the report that was commissioned by the Government at the time in 2001, which was published in 2002, and I cited from the report which says -

“There may be as many as(...)”

But that figure has now been taken by everybody else, as if we have shot ourselves in the foot. But I must say with caution that we should make sure that the figure is actually nil, but in no country it is actually nil, not even in the United States. But, as I said, Mr Deputy Speaker, Sir, we have reacted. I don't know whether we are reading the same report, but the report recognizes that the Government is making significant efforts. Let me just read part of it, it says –

“The Mauritian Government demonstrated increased anti-trafficking law enforcement efforts, vigorously investigating cases of human trafficking throughout the year.”

It goes on to say -

In July 2007, the number of Police Officers working in the Minors' Brigade increased from six to 35 and the number of vehicles from one to five, allowing adequate coverage of all regions of the island.”

Also it says –

“Police discovered eight cases of children engaged in prostitution and arrested 22 adults caught exploiting such children.”

It goes on to say –

“The Ministry of Labour, Industrial Relations and Employment conducted inspections to enforce child labour laws.”



I am not reading the whole report, Mr Deputy Speaker, Sir, but it says –

“The Government provided funding to NGOs offering protection and services to victims of trafficking, and referred victims to these organisations for shelter and other assistance. The Government run drop-in centre for children engaged in prostitution actively advertised its counselling services through bumper stickers, the toll-free number, a community outreach.”

And it continues –

“The Government encourages victims’ assistance in the investigation and prosecution of trafficking crimes. The Government ensures that victims are not inappropriately incarcerated, fined or otherwise penalised solely for unlawful acts as a direct result of being trafficked.

The Government made notable efforts to prevent the commercial sexual exploitation of children and reduce demand for commercial sex acts during the year.”

It goes on to say, Mr Deputy Speaker, Sir, that, in fact, the Government is doing quite a bit of effort and that is why I suppose it has explained that we have moved up a tier instead of being on the watch list, we are now in tier 2 list.

**Mr Bérenger:** Will the hon. Prime Minister agree with me that one case of child prostitution is one case too many? I am not going to *polémiquer*, because it is question of *un verre à moitié rempli ou à moitié vide*. The hon. Prime Minister is quoting all the positive parts. But the report also says that the authorities are not doing enough to eliminate prostitution rings involving children and even when they are positive they say the following –

“The Government of Mauritius does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so.”

That is, of fully complying and, even today, the hon. Prime Minister admitted that we still are not fully compliant. And the hon. Prime Minister quoted the number of Police officers and vehicles in the *Brigade des Mineurs*. I think that this Mauritian full inquiry by the Police should be carried out so that we have material to challenge this figure of 2,600 that is now accepted all over the place. Will the Prime Minister, therefore, agree that there is need for such a thorough survey and does he think that, although we have progressed, there is not need for, especially with tourism in mind, increasing the number of policemen and of vehicles available à la *Brigade des Mineurs*?

**The Prime Minister:** In fact, I want to say two things before I answer the last question. The report that the hon. Leader of the Opposition is referring to is from the South African press agency which says differently what the report actually says.

*(Interruptions)*

Nowhere it accuses the Mauritian Government for not doing enough to eliminate child prostitution. It actually says that Government is making significant efforts to do so, but never is never enough. As I said, and the hon. Leader of the Opposition agrees, even if there is one case, it is one case too many. We have moved up from the watch list to the TIER 2 which includes, surprisingly, Mr Deputy Speaker, Sir, countries like Singapore and many countries from the European Union including also Israel, Japan which are well-known for what they do. That is why I do not agree but, unfortunately, that figure of 2,600 came out in that report and it has stuck. Maybe we should do something to change that perception. Although it says “it may be as many as”. The figure has been taken. as if that is the figure.

**Mr Bérenger:** There should be a thorough survey so that we have material to challenge that, if it needs be. I tried to grasp exactly what further amendments are being brought to the law to better combat trafficking in child prostitution. For example, is the Prime Minister prepared to make it an offence to be a clear client of the child prostitute? Not just those pushing children into prostitution, but if a person is a client, he is committing a crime. Should not the law be made tougher as far as this part is concerned?

**The Prime Minister:** I would have thought that that this is also covered by the law, but that is actually being toughened in the new draft Bill about combating trafficking of persons, which is coming to the House, as soon as it is ready. As I said, Sir, it is the United Nations Office for Drugs and Crime which has been looking at the draft Bill. We have made a request for assistance from a Senior Legal Adviser who has come to Mauritius last month and they had working sessions with all the stakeholders, including the State Law Office as well and that is why the Bill is being finalised. I forgot to mention whether we should increase the number of policemen. In fact, it has been increased from 3 to 35 and the vehicles will be increased, if need be, furthermore. Unfortunately, the report of 2002 gives an indication which everybody takes as a fact. Perhaps we should do a new survey and see to it, after a while, what is the new figure.

**Mr Bérenger:** Mr Deputy Speaker, Sir, the report also recommends that the Government of Mauritius should complete the prosecution of suspected traffickers apprehended in 2006 and 2007. Can I know from the hon. Prime Minister where matters stand for 2006, 2007 and 2008 and whether there have been cases found guilty in Court and what stage the prosecution has reached? Because there were some very disturbing cases, especially in the north of the island, in those years?

**The Prime Minister:** I have the figure with me, Mr Deputy Speaker, Sir, but I know that the number of people who are actually being arrested and prosecuted is increasing. It has increased over the years. The latest number for this year, up to June, is 4; last year 24 people were arrested; the years before, it was 10 and then 1, 8, 7. As I said, last year, the number has increased and we are vigorously prosecuting them and, as at June this year, there are 4 persons.

**Mr Bérenger:** The number of 24 for last year is very disturbing also. I listened also to the very good efforts that are being made to better coordinate and combat child prostitution in the tourism sector but, in the same report, the US authorities “wish to see the Government of Mauritius take greater steps to discourage child sex tourism in Mauritius” which means that it is a serious problem. But they recommended the issuing of warnings to foreign tourists on arrival at the airport. Of course, we must not overreact completely in the other direction but, as we know, in certain countries, for example, drug trafficking is advertised at the point of entry and here it is recommended that warnings to incoming tourists should be properly made.

**The Prime Minister:** We are considering what the hon. Leader of the Opposition is precisely saying here, but we should not be seen as overreacting and doing as if we are a country where there is a lot of child prostitution in the tourism industry. As I said, Mr Deputy Speaker, Sir, if you look in the TIER 2 of the list – I do not want to read the whole list - many countries in the European Union fall in the same list. We will have to look at it and see whether we should actually do that.

**Mr Bodha:** May I come back to the report, Mr Deputy Speaker, Sir. The fact that the report explains who are the children who are vulnerable to the problem, what are the possibilities, for example, it refers to the children from the underprivileged areas, role of taxi drivers in the network, may I ask the hon. Prime Minister whether we should not do an in-depth inquiry because we know what are the vulnerable areas and who are the vulnerable children to this scourge?

**The Prime Minister:** It is the same in all countries, Mr Deputy Speaker, Sir. Very often, it is when you are more vulnerable that you are prone to these and the networking includes taxi drivers. It is the same for all countries. As I have said, we have graduated from two TIER 2 WATCH LIST to a better level and we should not attract attention just as this report mentions figures and we are now stuck to this figure. Of course, as I have said, one is too many and we need to target properly.

**Mr Bodha:** Mr Deputy Speaker, Sir, the report also says that a lot of efforts has been made to cater for children who were in prostitution, but one issue which was addressed was that the children could not have immediate shelter and went back to the network. Can I ask the hon. Minister whether something can be done so that once we have the children, we can provide them with the *encadrement nécessaire* so that they do not fall back again in the network?

**The Prime Minister:** In fact, I did mention that there is a new shelter that is being constructed, but we do what we can also. We cannot pretend to be the United States of America and we have solutions to everything.

**Mrs Navarre-Marie:** Sir, the hon. Prime Minister talked about legislation being prepared for better protection of our children. We all know that, although legislation is important, it is not sufficient. What is more important is the enforcement, the training of officers and so on and so forth. The Prime Minister knows certainly that we signed the other optional Protocol to the Convention of the Rights of the Child in 2001. Will he envisage the ratification of such Protocol?

**The Prime Minister:** I should say, Mr Deputy Speaker, Sir, that, in fact, we have progressed. It is not as if we are going down, we are going up the list and we are progressing. We have strengthened the legislation and we have increased the officers who are being put in action regarding this problem. It is not just the law as the hon. Member said, but also the enforcement. That is why I have mentioned all these and I do not want to repeat what we are doing. And for the ratification, of course.

**Mrs Jeewa-Dawreeawoo:** As we all know, child prostitution is very often linked with poverty. The Prime Minister has just enumerated a list of measures. May I know from him what additional measures Government envisages to help the families of those child prostitutes?

**The Prime Minister:** In the Budget, I think, the Deputy Prime Minister and Minister of Finance mentioned the poverty areas and these are the areas which we are targeting. These are the measures that I have just mentioned are being looked at.

**Mr Bérenger:** It is acknowledged that we are not yet fully compliant with the minimum standards for the elimination of trafficking. Can I, therefore, have it from the Prime Minister - I am sure he will agree - that we rely on additional efforts to become as rapidly as possible fully compliant with the minimum standard for the eliminating of trafficking? Also, can I have confirmation that there will be a thorough survey done by the Police and others to try and arrive at a credible figure, but also to better target those guilty of trafficking in child prostitution, as hon. Bodha has just said? The whole survey will allow us to better target those guilty of such trafficking and of improving on our performance.

**The Prime Minister:** In fact, I should say again, Mr Speaker, Sir, we have actually progressed from TIER 2 Watch List to TIER 2. It is already a progress. We are progressing; that means efforts are being done and we are getting results. I don't know whether the Police should make the survey or whether we should have other people as well, but we should have a survey to correct this image that was created in 2002.

**The Deputy Speaker:** Time is over!