

**SEVENTH NATIONAL ASSEMBLY**

**PARLIAMENTARY
DEBATES
(HANSARD)**

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(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity
Hon. Louis Steven Obeegadoo	Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism
Hon. Mrs Leela Devi Dookun-Luchoomun, GCSK	Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology
Dr. the Hon. Mohammad Anwar Husnoo	Vice-Prime Minister, Minister of Local Government and Disaster Risk Management
Hon. Alan Ganoo	Minister of Land Transport and Light Rail
Dr. the Hon. Renganaden Padayachy	Minister of Finance, Economic Planning and Development
Hon. Nandcoomar Bodha, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Mrs Fazila Jeewa-Daureeawoo, GCSK	Minister of Social Integration, Social Security and National Solidarity
Hon. Soomilduth Bholah	Minister of Industrial Development, SMEs and Cooperatives
Hon. Kavydass Ramano	Minister of Environment, Solid Waste Management and Climate Change
Hon. Mahen Kumar Seeruttun	Minister of Financial Services and Good Governance
Hon. Georges Pierre Lesjongard	Minister of Energy and Public Utilities
Hon. Maneesh Gobin	Attorney General, Minister of Agro-Industry and Food Security
Hon. Yogida Sawmynaden	Minister of Commerce and Consumer

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Hon. Jean Christophe Stephan Toussaint	Minister of Youth Empowerment, Sports and Recreation
Hon. Mahendranuth Sharma Hurreeram	Minister of National Infrastructure and Community Development
Hon. Darsanand Balgobin	Minister of Information Technology, Communication and Innovation
Hon. Soodesh Satkam Callichurn	Minister of Labour, Human Resource Development and Training
Dr. the Hon. Kailesh Kumar Singh Jagutpal	Minister of Health and Wellness
Hon. Sudheer Maudhoo	Minister of Blue Economy, Marine Resources, Fisheries and Shipping
Hon. Mrs Kalpana Devi Koonjoo-Shah	Minister of Gender Equality and Family Welfare
Hon. Avinash Teeluck	Minister of Arts and Cultural Heritage
Hon. Teeruthraj Huroyal	Minister of Public Service, Administrative and Institutional Reforms

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MAURITIUS

Seventh National Assembly

FIRST SESSION

Debate No. 35 of 2020

Sitting of Tuesday 24 November 2020

The Assembly met in the Assembly House, Port Louis, at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

ANNOUNCEMENT

PAC REPORT – WEEK-END NEWSPAPER - ARTICLE - 22 NOVEMBER 2020

Mr Speaker: I have an Announcement. Hon. Members, I wish to inform the House that, on Friday 20 November 2020, I received copy of the first Report of the Public Accounts Committee for the First Session of the Seventh National Assembly, dated 19 November 2020, under the signature of hon. Xavier-Luc Duval, GCSK, Chairperson of the Public Accounts Committee, for the presentation and tabling thereof before the Assembly.

I take it that hon. Members would have taken cognizance of an article which appeared in the newspaper *Week-end*, in its edition of 22 November 2020, under the caption – “*Dépenses publiques de 2017 à 2019 - la Santé souffre-douleur du PAC.*”

I wish to inform the House that I have perused both the Report and the said article, and it is ascertained that the article makes mention of part of the contents of the Report, including verbatim extracts thereof in relation to the then Ministry of Health and Quality of Life, the Economic Development Board and the National Empowerment Foundation.

Hon. Members, I take the view that through the publication in the newspaper *Week-end* of an article in its edition of 22 November 2020, prematurely disclosing part of the contents of the Report of the Public Accounts Committee dated 19 November 2020, prior to the laying thereof before the Assembly, that is, at today’s Sitting, offences may have been committed under section 6(1) (q) of the National Assembly (Privileges, Immunities and Powers) Act.

Hon. Dhunoo!

MOTION – S.O. 74(4)

Mr Dhunoo: Mr Speaker, Sir, in light of your ruling, I move that the matter, whereby the article which appeared in the newspaper *Week-end* in the edition of 22 November 2020 under the caption – “*Dépenses publiques de 2017 à 2019 - la Santé souffre-douleur du rapport du PAC*”, be referred to the Director of Public Prosecutions for appropriate action pursuant to Standing Order 74 (4) of the Standing Order and Rules of the National Assembly 1995.

Mrs Luchmun Roy seconded.

The motion was, on question put, agreed to.

PAPERS LAID

The Prime Minister: Mr Speaker, Sir, the Papers have been laid on the Table.

A. Office of the Speaker

The First Report of the Public Accounts Committee for the First Session of the Seventh National Assembly.

B. Ministry of Land Transport and Light Rail

The Road Traffic (Extension of Time for the Validity and Renewal of Licence for a Petrol Service Station or Private Petrol Station) Regulations 2020. (Government Notice No. 277 of 2020)

C. Ministry of Industrial Development, SMEs and Cooperatives

The Mauritius Standards Bureau (National Management Systems Certification Scheme) (Amendment) Regulations 2020. (Government Notice No. 279 of 2020)

D. Ministry of Health and Wellness

The Medical Council (Medical Institutions) (Amendment) Regulations 2020. (Government Notice No. 278 of 2020)

ORAL ANSWERS TO QUESTIONS

PAYMENT IN EXCESS OF RS350,000 - REPORTED CASES

The Leader of the Opposition (Dr. A. Boolell) (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications and Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Independent Commission against Corruption, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) the number of reported cases of the offence of making or accepting any payment in excess of Rs350,000 under the Financial Intelligence Anti-Money Laundering Act 2002, having been discontinued, indicating –
 - (i) when, and
 - (ii) if any person has been questioned under warning between 2011 and 2014 regarding the purchase of properties by his good self at Angus road; and
- (b) if the contract of the current Director General has expired.

An hon. Member: *Harcèlement!*

(Interruptions)

Mr Speaker: Hon. Ramchurrun, last warning!

The Prime Minister: Mr Speaker, Sir, as the House is aware, the Prevention of Corruption Act 2002 was passed in the National Assembly in February 2002. The Act established the Independent Commission Against Corruption to replace the Economic Crime Office.

The Financial Intelligence and Anti-Money Laundering Act was passed in June 2002 and by virtue of section 5 of the said Act, payment in excess of Rs350,000 in cash was an offence. The then section 5 of the FIAMLA read as follows, and I quote -

- (1) “Notwithstanding section 37 of the Bank of Mauritius Act, but subject to subsection (2), any person who makes or accepts any payment in cash in excess of 350,000 rupees or an equivalent amount in foreign currency, or such amount as may be prescribed, shall commit an offence.”

Section 5(1) of the FIAMLA 2002 was amended by the Finance Act 2006 by deleting the words “350,000 rupees” and replacing them by the words “500,000 rupees”.

Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Independent Commission Against Corruption that in relation to the offences of making and accepting unlawful cash payment in excess of the relevant prescribed limit, for the period 2002 to 2013, the number of cases that has been discontinued, stands as follows -

- (a) 59 cases at preliminary investigation stage have been discontinued by the Board of ICAC, and
- (b) 11 cases at further investigation stage have been discontinued following DPP's advice.

I am informed by the ICAC that further information is still being compiled.

Mr Speaker, Sir, I wish to point out that the power and the decision to discontinue an investigation is vested in the Commission itself under section 46 (3) of the Prevention of Corruption Act. Let me quote the relevant section for the information of the House - I shall quote only part because it is a long section.

“Upon receipt of a report under subsection (1) (b) or 2, the Commission shall –

- (a) proceed with further investigations; or
- (b) discontinue the investigation.”

Mr Speaker, Sir, in regard to part (a) (ii) of the question, I am informed by ICAC that no person has been questioned under warning between 2011 and 2014 regarding the purchase of properties at Angus Road.

Mr Speaker, Sir, in regard to part (b) of the question, the answer is in the negative.

Dr. Boolell: Can I ask the Prime Minister when was the first time that his attention was drawn to the fact that there was an enquiry being conducted against him? I refer to ICAC 2011.

The Prime Minister: ICAC has never drawn my attention to an enquiry in relation to the purchase of properties at Angus Road.

Dr. Boolell: So, ICAC has not drawn the attention of the Prime Minister in relation to receipts dated February, March and May 2000, which I brandished in this House and whose originals are at ICAC, which contain clear admission of guilt by the vendor, that it committed offence by accepting payment...

(Interruptions)

Mr Speaker: Hon. Leader of the Opposition, I am on my feet! Please, listen!

(Interruptions)

Don't make imputations, accusations, and withdraw those words!

Dr. Boolell: Which word do you want me to withdraw, Mr Speaker, Sir?

Mr Speaker: You don't ask question! You know fully well what I am telling you!

Dr. Boolell: Which word?

Mr Speaker: Don't play this game again!

Dr. Boolell: Which word would you like me to withdraw?

Mr Speaker: "guilt"!

Dr. Boolell: Okay, so the word "guilt"...

Mr Speaker: Do you withdraw it?

Dr. Boolell: The word "guilt" is unparliamentary?

Mr Speaker: You withdraw the word! It is insinuation, imputation and accusation!

Dr. Boolell: Okay! I replace...

Mr Speaker: And you don't discuss with the Chair!

Dr. Boolell: Okay, I withdraw.

Mr Speaker: You don't discuss with the Chair!

Dr. Boolell: I withdraw the word "guilt" and replace it by "silence" or "culpable silence". Okay! I replace it by "culpable silence".

(Interruptions)

I replace it by "culpable silence"!

The Prime Minister: Mr Speaker, Sir, I strongly object to the...

Mr Speaker: There is a point of order!

The Prime Minister: I strongly object to the allegation that is being made that I have been "guilty of culpable silence". This is imputing motive to my character and to...

(Interruptions)

Mr Speaker: Point of order!

Mr Ganoo: Mr Speaker, Sir, section 22...

(Interruptions)

Mr Speaker: Quiet! Hon. Bhagwan, don't start!

(Interruptions)

Order, please! Order on both sides of the House! Order! Order here, also!

(Interruptions)

Order! Go ahead with your point of order!

Mr Ganoo: Mr Speaker, Sir, on a point of order. The hon. Leader of the Opposition should withdraw the words that he has just used. Section 22(1) (i) of the Standing Orders, says -

“A question shall not contain any arguments, expressions of opinion, inferences, imputations, quotations (...) epithets, controversial, ironical or offensive expressions or hypothetical cases.”

It is clear that we cannot use arguments or expressions which are controversial, ironical or offensive or hypothetical.

Mr Speaker: Hon. Leader of the Opposition! Withdraw!

Dr. Boolell: Mr Speaker, Sir, if the hon. Minister is servile to his Prime Minister, I can understand.

Mr Speaker: No! Hon. Leader of the Opposition...

Dr. Boolell: I withdraw!

Mr Speaker: ... try to understand. There are rules and regulations in this House!

Dr. Boolell: I withdraw! I withdraw!

(Interruptions)

Mr Speaker: You don't comment after the Speaker!

Dr. Boolell: I withdraw, okay!

An hon. Member: *Twa to servile to Leader!*

Dr. Boolell: There are some who are servile and subservient.

Mr Speaker: Order!

Dr. Boolell: Can I ask the Prime Minister as to the number of cases which have been set aside or have been kept in abeyance, I am sure, in relation to the Rs20 m. which was paid in a private bank in UK in relation to acquisition of property made at Angus Road? Can he tell us - and I want to hear it from him - whether this has been kept in abeyance?

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Mr Speaker, Sir, this allegation does not form part of this Private Notice Question.

Mr Speaker: Next question!

Dr. Boolell: Can I? Is the Prime Minister saying that, in relation to cases which are being investigated by ICAC, the acquisition made by him in relation to purchase of Sorèze property is not relevant to investigation carried out by the ICAC? So, I would like to know. Is it in abeyance or has it been set aside?

The Prime Minister: This is not the question that has been put. You come with another question!

Dr. Boolell: So, you choose...

Mr Speaker: Hon. Leader of the Opposition, give me the floor.

Dr. Boolell: Mr Speaker...

Mr Speaker: Be consistent...

(Interruptions)

Order! Be consistent with the main question.

Dr. Boolell: I am consistent in relation to what has been asked, Mr Speaker.

Mr Speaker: We will see.

Dr. Boolell: Can I ask him then - I have asked a specific question in respect to investigation being carried out by ICAC. There are four investigations being carried out. Allegedly, two have been set aside or discontinued and it relates to payments made and received by the vendor which, in itself, goes against Anti-Money Laundering Act, Economic Crime and Anti-Money Laundering...

Mr Speaker: Hon. Leader of the Opposition!

(Interruptions)

Hon. Leader of the Opposition, let me read your own question: “(...)whether in regard to the Independent Commission against Corruption, he will, for the benefit of the House, obtain therefrom, information as to –

- (a) The number of reported cases of the offence of making or accepting any payment in excess of Rs350,000 under the Financial Intelligence Anti-Money Laundering Act 2002, having been discontinued, indicating –
 - (i) when, and
 - (ii) if any person has been questioned under warning between 2011 and 2014 regarding the purchase of properties by his good self at Angus road; and
- (b) if the contract of the current Director General has expired.”

According to Standing Orders, supplementary questions should be linked to your main question! So,...

Dr. Boolell: It is linked. So, I take it for granted that there has been violation of Economic Crime and Anti-Money Laundering Act...

(Interruptions)

Mr Speaker: Order!

Dr. Boolell: ...of June...

(Interruptions)

Mr Speaker: Order!

Dr. Boolell: 2002. There has been violation!

(Interruptions)

Mr Speaker: Order, please!

Dr. Boolell: There has been...

(Interruptions)

Mr Speaker: I am on my feet! I am on my feet! Order from both sides of the House!

(Interruptions)

Order from both sides of the House!

Dr. Boolell: Mr Speaker, Sir, in a reply which he gave to a question I put to him, that there have been 77 convictions and not one single acquittal for offences under the Economic Crime and Anti-Money Laundering Act of 2000, isn't it shocking that receipts containing confessions of guilt falling under the Act, but concerning him, have been discontinued?

The Prime Minister: Mr Speaker, Sir, I strongly object to what the Leader of Opposition has been saying and I move that he withdraws everything he has been saying; that there has been guilt.

(Interruptions)

Dr. Boolell: I put a question and the Prime Minister is refusing to reply.

Mr Speaker: I am on my feet! There is no debate between the Prime Minister and the hon. Leader of the Opposition. I say the following: your question should not insinuate, should not accuse anybody, and the Prime Minister is right in asking you to withdraw whatever sentence you mentioned.

Dr. Boolell: Mr Speaker, Sir, you have got to be precise. As far as I know, I have put a specific question to the Prime Minister.

Mr Speaker: No!

Dr. Boolell: If the Prime Minister decides not to reply, that's his problem...

Mr Speaker: Hon. Leader of the Opposition,...

Dr. Boolell: ...and the public is the ultimate judge.

Mr Speaker: Give me the floor! You expressed your opinion...

Dr. Boolell: I am not!

Mr Speaker: ...and you wanted to know the opinion of the Leader of the House, whether he thinks if this is okay or not okay. This is not a supplementary question in Parliament. So, first of all, withdraw those words which the Prime Minister feels take offence to.

(Interruptions)

Dr. Boolell: Jesus Christ! Amazing! Amazing! So, I...

Mr Speaker: You withdraw the words!

Dr. Boolell: Okay.

Mr Speaker: Thank you.

Dr. Boolell: So, I have to withdraw at your request to please the Prime Minister.

Mr Speaker: No, no, no!

Dr. Boolell: And that is...

Mr Speaker: Hon. Leader of the Opposition, you are going against Standing Orders! Either you respect Standing Orders or not! You cannot come and explain and put conditions! This is Parliament! This is Parliament and there are rules and regulations concerning Parliament.

Dr. Boolell: I agree.

Mr Speaker: Change your question!

Dr. Boolell: I agree there are rules. We are talking of funds and if he may recall, in relation to a question put to him, he said - I am talking of the first acquisition he made, Park Side - that, of course, Rs1m. was paid and then Rs5m. paid which are offset from legal fees which he obtained from Delphis Bank. Can I ask him, as a Prime Minister who is above suspicion...

Mr Speaker: Come on!

Dr. Boolell: What do you mean? I can't...

Mr Speaker: This is not the style of a supplementary question in Parliament. Hon. Leader of the Opposition, help me! Put good supplementary questions!

(Interruptions)

Go ahead. Next question!

Dr. Boolell: Can I ask the Prime Minister the reason...

(Interruptions)

Mr Speaker: Order!

Dr. Boolell: ...the reason as to why...

(Interruptions)

Mr Speaker: Order!

Dr. Boolell: Mr Speaker, don't tell me that my question is not related - the reason as why the decision was taken by the then Attorney General to withdraw mutual legal assistance which was sought in relation to the Rs20 m...

(Interruptions)

...in relation to the property.

Mr Speaker: Again, this is not linked, hon. Leader of the Opposition!

(Interruptions)

You may say whatever you want but it is not linked, and respect the rules and regulations of Parliament, and Standing Orders with regard to questions.

Dr. Boolell: Mr Speaker, I am talking of purchase of properties by the good self at Angus road. My question is relevant! I am talking of properties acquired at Angus road. So, where is the non-relevance to the question that I have put?

Mr Speaker: Would you like me to read your...

(Interruptions)

Would you require me to remind you of your own question, which has been circulated?

Dr. Boolell: Highlight where Angus road; I want you to highlight, over and above, where Angus road is mentioned, because the public knows that this question is addressed to the Prime Minister in relation to alleged tainted properties acquired by the hon. Prime Minister.

Mr Speaker: But it is alleged hon. Leader of the Opposition! It is alleged and you don't have any proof! Don't come under the cloak of parliamentary immunity and impute motives to Members here.

(Interruptions)

Do not use the cloak of parliamentary immunity!

(Interruptions)

Point of order!

Mr Teeluck: On a point of order, Mr Speaker, Sir, under Standing Order 22(1), paragraph (k) –

“a question reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion shall not be asked;”

Second point of order; Standing Order 22 (1) (m) –

“a question cannot be asked which renews or repeats in substance a question already answered or to which an answer has been refused or which falls within a class of question which a Minister has refused to answer;”

I think we are going on and on and on, weeks after weeks, with the same questions...

(Interruptions)

Mr Speaker: Order!

Mr Teeluck: ...and answers which have already been...

(Interruptions)

Mr Speaker: Order on both sides!

Mr Teeluck: ...provided, Mr Speaker, Sir.

Mr Speaker: So, Leader of the Opposition, do you have any question?

Dr. Boolell: Let my friend who requests...

Mr Speaker: Personally, do you have any question?

Dr. Boolell: I have other questions. I have other questions to put, but I will give way to my friend to put questions.

Mr Speaker: Hon. Assirvaden!

Mr Assirvaden: Merci, M. le président. M. le président, ma question se réfère à la *PNQ* du Leader de l’Opposition, (a) (ii). Je voudrais savoir du Premier ministre, puisque le Premier ministre avait dit que deux enquêtes ont été *discontinued as far back as 2014*. Le 3 novembre 2020, dans la réponse à la *PNQ* du Leader de l’Opposition, le Premier ministre disait que « *there was an ongoing investigation* ». Est-ce qu’on peut savoir, le 3 novembre 2020 quand le Premier ministre répond pour dire que « *there was an ongoing investigation* », il parle de quelle enquête?

The Prime Minister: Let me say it again, Mr Speaker, Sir. This question relates to offences of making and accepting payment in excess of Rs350,000 under FIAMLA. Let me repeat again that, under ICAC, investigation had started with regard to those supposedly

offences on 15 March 2011 and was discontinued on 09 May 2011, as no evidence for any offence was disclosed under POCA or FIAMLA. A second investigation was started on 20 October 2013 and discontinued again on 27 June 2014. And who was the Director General of ICAC at that time? Mr Anil Kumar Ujoodha! And who took the decision, in both cases, to discontinue the investigation? The Commission composed of the Chair, Mr Anil Kumar Ujoodha and the members, including Mrs Indira Manrakhan! I think the hon. Leader of the Opposition has a special relationship with Mrs Manrakhan!

(Interruptions)

You can ask him and then...

Mr Speaker: Order!

The Prime Minister: And then...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: And then...

(Interruptions)

Mr Speaker: Order!

(Interruptions)

The Prime Minister: And then, Mr...

Mr Speaker: Order both sides of the House! Order! Order! On both sides of the House, order!

(Interruptions)

Mr Assirvaden: On a point of order, Mr Speaker, Sir. M. le président, tout le monde a entendu le Premier ministre *impute motive* au Leader de l'Opposition. Je demande au Premier ministre, par respect pour cette dame, de retirer ces propos.

(Interruptions)

Hon. Members: Shame! Shame!

(Interruptions)

The Prime Minister: *Eta aller do boufon!*

Mr Speaker: Order! There is a point of order! There is a point of order! There is a point of order! Silence!

The Prime Minister: Mr Speaker, Sir, I thought that the Leader of the Opposition was very well acquainted with Mrs Indira Manrakhan!

(Interruptions)

That is why I say they know each other!

(Interruptions)

So, they do not know! Okay!

Mr Speaker: Hon. Prime Minister...

The Prime Minister: Okay, if they do not know each other, they have never been in communication, then I withdraw. I withdraw what I said.

Mr Speaker: Okay.

Dr. Boolell: Can I?

The Prime Minister: But again...

(Interruptions)

Well, I have not finished! What? You are the Speaker?

So, the Chairperson, Mr Anil Kumar Ujoodha, was nominated as Director General by Dr. Navinchandra Ramgoolam. And can you imagine, as a matter of fact - I just say that; as a matter of fact - Dr. Navinchandra Ramgoolam was Prime Minister; Mr Anil Kumar Ujoodha was Director General of ICAC during those years, and the hon. Leader of the Opposition was a senior Minister and ...

Dr. Boolell: And you were Minister of Finance!

(Interruptions)

The Prime Minister: What Minister of Finance?

Mr Speaker: Hon. Leader of the Opposition!

The Prime Minister: What Minister of Finance?

Mr Speaker: Hon. Leader of the Opposition, let the Prime Minister reply!

The Prime Minister: 2013, 2014,..

An hon. Member: Menter!

The Prime Minister: ...you have nothing! You have nothing! There is not even an iota of evidence! That is why they discontinued this enquiry! And the shame is on you! Shame!

(Interruptions)

An hon. Member: Voler!

(Interruptions)

Mr Speaker: Order! Order both sides of the House! Please, hon. Leader of the Opposition.

Dr. Boolell: Mr Speaker, if I refer to the provisions of the Prevention of Corruption Act, section 47(5), (6), (7), he knows very well that a case cannot be disposed of or set aside unless it is referred to the Office of the DPP.

(Interruptions)

He knows very well of that! He knows very well!

Mr Speaker: Stop with your question! Wait for the reply!

(Interruptions)

Order! Order!

The Prime Minister: Mr Speaker, Sir, in other words, the Leader of the Opposition is alleging that the former Director of ICAC, Mr Anil Kumar Ujoodha, is an incompetent;...

(Interruptions)

Does not know his job; has not referred the matter to the DPP, and he is alleging, therefore...

(Interruptions)

Mr Speaker: No crosstalking!

(Interruptions)

The Prime Minister: Let me finish!

(Interruptions)

Mr Speaker: No crosstalking!

The Prime Minister: ... you are alleging that the Commission...

(Interruptions)

Mr Speaker: Hon. Leader of the Opposition!

(Interruptions)

Hon. Leader of the Opposition, there are rules and regulations. Question...

(Interruptions)

Please hon. Leader of the Opposition, help the House! Help parliamentary democracy!

The Prime Minister: So, from what he has said, I can only conclude that he is saying that that Commission has not done its work properly and it has not referred the matter to the DPP. Therefore, it was incompetent and, in fact, it did not assume its responsibility? Would he be making the public believe that? And I repeat again, at a time when Dr. Navinchandra Ramgoolam was Prime Minister of this country...

(Interruptions)

Mr Lesjongard: Can I?

Mr Speaker: You have a point of order? Point of order!

Mr Lesjongard: Yes, thank you, Mr Speaker, Sir. I heard the hon. Leader of the Opposition treating the Prime Minister as a liar. I will request him to withdraw the word 'liar' because it is unparliamentary, Mr Speaker, Sir. Thank you.

Mr Speaker: Withdraw without any condition, explanation!

(Interruptions)

Simple withdrawal!

Dr. Boolell: Well, misleading the truth then, okay! Misleading the House, as well.

Mr Speaker: Again, now...

Dr. Boolell: Misleading the House, okay. Alright! Can I...

Mr Speaker: Now you are playing games, Leader of the Opposition. The time of the House is very precious; don't play games! Either you withdraw or you don't withdraw. There is no condition, no explanation!

Dr. Boolell: If it pleases the servile boys or errand boys, I will withdraw.

(Interruptions)

Hon. Members: Withdraw! Withdraw!

Dr. Boolell: I will withdraw. If it pleases the errand boys and the servile boys...

(Interruptions)

Mr Speaker: Hon. Members...

Dr. Boolell:...the servile boys of this Government...

Mr Speaker: ...if the noise continues like this, I will have to suspend. I cannot hear well.

Dr. Boolell: Okay. Can I ask the Prime Minister...

(Interruptions)

Hon. Members: Withdraw! Withdraw!

Dr. Boolell: ...whether he will disclose the truth...

(Interruptions)

Mr Speaker: Hon. Members, he has already withdrawn the word.

An hon. Member: No!

Mr Speaker: Not yet? Not yet?

(Interruptions)

Dr. Boolell: Can I...

(Interruptions)

Mr Speaker: Withdraw first! Withdraw first! No, no, withdraw the word.

Dr. Boolell: If the errand boys are happy, I withdraw the word.

Mr Speaker: You have withdrawn the word.

Dr. Boolell: Can I ask the Prime Minister to tell the House and tell the truth and don't hide behind opacity that the case has been kept in abeyance? And let me remind him that, unlike what it is in the habit of doing, the previous Government does not interfere with institution, contrary to what he does!

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Mr Speaker, Sir, I think the hon. Leader of the Opposition does not understand plain English. I replied to this House, on two occasions, that both enquiries have been discontinued and they were discontinued on the decision of the Commission of the ICAC, and I maintain this is the information that has been relayed to me by ICAC.

Dr. Boolell: And I maintain it has been kept in abeyance.

Mr Speaker: No, you cannot do that. How can you maintain? Put a question!

(Interruptions)

Dr. Boolell: Mr Speaker, in the light...

Mr Speaker: Order!

Dr. Boolell: Mr Speaker, we all know, and it is a fact, that there has been receipt of cash payments, that...

The Prime Minister: No, but, Mr Speaker, Sir,...

Dr. Boolell: Let me put my question and then he can reply!

The Prime Minister: Mr Speaker, Sir, I take strong objection! If the hon. Leader of the Opposition has documentary evidence, that he can prove that there have been payments, and so on, yes, he can come forward! But he cannot just say: 'we all know that there have been cash payments'! I take objection to that.

Mr Speaker: Let me give my ruling.

(Interruptions)

Oh, I listen to your ruling?

(Interruptions)

Dr. Boolell: Hold your horse!

Mr Speaker: You don't have to comment! This is unparliamentary! Withdraw these words!

Dr. Boolell: Which one! 'Horse' or 'hold your horse'?

Mr Speaker: Withdraw your horse!

(Interruptions)

Dr. Boolell: You want me to withdraw my horse?

Mr Speaker: Withdraw your horse!

Dr. Boolell: Okay, stay on your mule then. I withdraw my horse; stay on your mule.

Mr Speaker: And I remind you, hon. Leader of the Opposition, you have taken the very bad habit commenting after the Speaker. This is against Standing Order, and I will be very severe against you this time.

So, the hon. Leader of the House, the Prime Minister, stated that you cannot come in the House and just say, under the cloak of immunity, that you have documents and receipts and all these, casting aspersions, putting accusations, insinuations, and, therefore, you should not venture into troubled waters. Put clear questions with regard to your main question and if you have receipts or whatever, there are other institutions outside Parliament to look into that!

(Interruptions)

If you have the courage, then do it!

Dr. Boolell: Mr Speaker, Sir, I cannot be held responsible if Government is drowning in muddy waters. Okay? Now, can I inform the Prime Minister that on 28 October, ICAC...

(Interruptions)

I am putting the question. Is he aware

Mr Speaker: Order!

Dr. Boolell: Is he aware that ICAC requested for information in respect of receipts paid to the vendor? Is he aware of that?

The Prime Minister: As far as I am concerned, I have never been requested to furnish any explanation to ICAC. I have never even been made aware! I have never even been called! And I mention, again, those years of 2011, 2012 and 2014 - 2014, when I was a Member of this House; and when I was in the Opposition, and we know what was going on the other side!

(Interruptions)

Mr Speaker: Time is over!

Dr. Boolell: Except that mutual legal assistance was...

Mr Speaker: Time is over! Time is over! Respect, hon. Leader of the Opposition! Respect the House!

(*Interruptions*)

The Prime Minister: *Lot semaine encore! Lot semaine Angus!*

(*Interruptions*)

Mr Speaker: Order!

(*Interruptions*)

Hon. Mrs Luchmun Roy!

(*Interruptions*)

Order! No crosstalking! Order! Order!

(*Interruptions*)

Order, please!

(*Interruptions*)

Order!

(*Interruptions*)

Order!

(*Interruptions*)

Order!

(*Interruptions*)

Order! I suspend the Sitting!

(*Interruptions*)

At 12.11 p.m., the sitting was suspended.

On resuming at 12.16 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated! Hon. Members, the Table has been advised that PQs B/917, B/918 and B/919 have been withdrawn.

Hon. Mrs Luchmun Roy!

**OPPOSITION MEMBERS - OFFICIAL MISSIONS - *PER DIEM* &
ENTERTAINMENT ALLOWANCE**

(No. B/906) Mrs S. Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to official missions abroad, he will state the number thereof attended by hon. Members of the Opposition since 2014 to 2019, indicating in each case:

- (a) the amount of *per diem* paid thereto, and
- (b) any other cost borne by Government in relation thereto.

The Prime Minister: Mr Speaker, Sir, for the period January 2014 to December 2019, hon. Members of the Opposition attended 93 official missions abroad. In each case, hon. Members were paid *per diem* and entertainment allowance according to the prevailing rates, as approved by the Ministry of Finance, Economic Planning and Development.

In regard to part (b) of the question, the other costs, namely airfare, borne by the Government in respect of those hon. Members, amounted to a total of Rs8,132,092. I am tabling the details for each case.

Mrs Luchmun Roy: Thank you, hon. Prime Minister. Since it is public money which has been spent by the Government on these missions attended by Members of the Opposition, can the hon. Prime Minister inform the House about the hon. Members who topped the list in the number of missions attended and in terms of the *per diem* received?

The Prime Minister: I refer the hon. Member to the list which I have tabled. I have not calculated the number of missions per Member, but, I am sure, everyone will be informed accordingly and can, of course, see the number and calculate. I have not myself calculated.

Mrs Luchmun Roy: Can the hon. Prime Minister inform the House whether the Members are holders of diplomatic passports?

The Prime Minister: I am not in a position...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: I am not in a position to say, but, from what I can recall, Mr Speaker, Sir, when a Member is proceeding on an official mission, he will normally be

provided with a diplomatic passport, but I cannot say for each Member. Of course, a specific question must be addressed to me.

Mr Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. When Members of Parliament go on mission, they are sometimes in delegation where members of the Government side also are present. Would the hon. Prime Minister, alongside what he has tabled, if he has not the information today, table this information as well so that the public can compare who was present alongside as well?

The Prime Minister: Yes, Mr Speaker, Sir...

(Interruptions)

Mr Speaker: Order! Silence!

The Prime Minister: I have no problem to provide the information with regard to each mission that has been attended by Members of the Opposition and to see whether there were also Members from the Government side included in that delegation and to provide the same details as those I am providing now.

Mr Speaker: Hon. Mrs Tour!

Mrs Tour: Thank you, Mr Speaker, Sir. Can the hon. Prime Minister state whether there has been a revision of the allowances paid to hon. Members recently and whether it is envisaged to reduce same any further?

The Prime Minister: Mr Speaker, Sir, as from July 2016, the rates of *per diem* and entertainment allowance have been revised downwards. In fact, these new rates have been incorporated in Circular No. 10 of 14 September 2017, and they are still effective today. And in the Budget Speech of 2020-2021, it was also announced that provision for overseas mission will be reduced by some 60%, that is, from Rs120 m. to Rs48 m., and the rates of *per diem* and entertainment allowances will be revised downwards accordingly.

Mr Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes. Thank you, Mr Speaker, Sir. Can I ask the hon. Prime Minister if he can confirm to the House that for any Member of Parliament - and precisely as it relates to the question for hon. Members of the Opposition - before proceeding to an official mission -

- (i) the mission is approved by the Speaker;
- (ii) the mission goes to the Minister of Finance, Economic Planning and Development for financial clearance, and
- (iii) more importantly, it is the Prime Minister who approves the mission.

Can the hon. Prime Minister confirm this process?

The Prime Minister: Yes, of course, I have been approving all those missions, yes, just like when we also receive requests, and I do not want to say more than that, from Members who come to ask us about the missions, and if they have also been approved by me as Prime Minister.

Mr Speaker: Last supplementary!

Mrs Luchmun Roy: *Ki ena cheap la?* Thank you, Mr Speaker.

(Interruptions)

Mr Speaker: Next question! Hon. Osman Mahomed!

MAURITIUS PRISONS - DOCUMENTARY - BROADCAST AUTHORISATION

(No. B/907) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the documentary on the Mauritian prisons that was broadcast on Netflix earlier this year, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to which authority granted permission for the shooting thereof.

The Prime Minister: Mr Speaker, Sir, I am informed by the Commissioner of Prisons that on 04 October 2017, a request was made by a film producer based in South Africa and working for Emporium Productions Limited, an Emmy award winning British Production Company, to shoot images in the Mauritius Prisons for the purpose of a documentary. The objective of the shooting was for the presenter to experience and explore life inside the prisons across a few days by spending time with the guards, prison officials and inmates.

The documentary was expected to highlight the programmes run in the prisons related to health, education and training in order to help, support and rehabilitate offenders and prevent recidivism.

The film producer was requested on 09 October 2017 to seek permission to shoot inside the prisons from the then Ministry of Defence and Rodrigues, which was responsible for prison matters.

On 11 October 2017, the request was accordingly made to the parent Ministry for authorisation to carry out a five-day filming in the Mauritius Prisons for documentary purposes, with copy to the Commissioner of Prisons.

Thereafter on 24 October 2017, the Commissioner of Prisons was informed that the request could be acceded to subject to all security clearances being obtained in respect of the crew members and all precautions being taken with regard to safety and security in prisons.

On 13 November 2017, the Managing Director of the Emporium Productions Limited was informed by the Commissioner of Prisons that the request for filming in a male prison in Mauritius as part of a documentary series was acceded to subject to all security measures being strictly complied with.

Mr Speaker, Sir, on 19 February 2019, the film producer reverted to the Commissioner of Prisons informing that a team would be in Mauritius in early June 2019 on a research visit to meet detainees and staff who would be prepared to be on camera.

On 12 September 2019, the Commissioner of Prisons informed the then Ministry of Defence and Rodrigues that a team would be in Mauritius from 17 to 24 September 2019 during which they would complete their research visit, which would include visits to prisons where the shooting will take place, meeting with prison staff and talking to detainees, amongst others.

The Commissioner of Prisons was requested to have a formal commitment from the Company to review the film before its release as well as ensuring that all security measures would be complied with. It was also agreed that the documentary would –

- (i) showcase Mauritius as one of the World's premier luxury tourist destinations with an emphasis on keeping its streets and society safe from criminal activities;
- (ii) focus on how Mauritian authorities deal with criminal activities;
- (iii) be based on life inside the Mauritian prisons, showing how a progressive approach to discipline and rehabilitation is being implemented;
- (iv) show how detainees are supported to overcome addiction to drugs, alcohol, cigarettes smoking and also how these ill habits are banned from prison life;

- (v) depict the strategy of rehabilitation through hard work, focusing on prison farm, vegetable garden, crafts, food production and other trades;
- (vi) lay emphasis on capacity building and training curriculum at the Prison Training School, and
- (vii) include an interview with the Commissioner of Prisons.

An Agreement was thereafter signed on 23 September 2019 between Emporium Productions Limited and the Commissioner of Prisons providing for the company to film in some prisons in Mauritius and such other places as agreed by both parties during the filming period.

The Agreement provided for one episode of the Netflix series to highlight life in prisons including –

- the methods used by the Prisons Department to deal with criminal activities;
- how Mauritius Prison Service maintains discipline and how rehabilitation is implemented;
- methods used to minimise re-offending, and
- action taken by the Prisons Department to prepare the detainees for life outside prison once they are released back into society, including any available educational facilities at the Prisons.

The Agreement further provided for Emporium Productions Limited to interview some detainees as well as the Commissioner of Prisons or his representatives. The Production Company also agreed to comply with strict security measures at the prisons, including its operating procedures and working practices. Moreover, the Agreement provided that only detainees and staff having given their explicit written consent would be filmed; otherwise, images would be blurred. The Prisons Department would be given the opportunity to review the factual accuracy of the documentary prior to its transmission.

Forty-nine detainees gave their consent to participate in the shooting. They all signed a consent form in which they also waived claim to any remuneration, royalties or payment.

The crew was allowed to shoot at the New Wing Prison, the Eastern High Security Prison and the Phoenix Prison from 07 to 16 October 2019.

For security purposes, a dedicated team of Prison Officers was constituted to escort the crew members during the shooting.

Mr Speaker, Sir, I am also informed that on 01 October 2019, a request was made by the Mauritius Film Development Corporation for shooting inside the Eastern High Security Prison at Melrose with the use of drone.

Following consultations with the Commissioner of Prisons, the Civil Aviation Department and the National Security Adviser, the request was turned down as flying of drones over prisons is prohibited in accordance with the Mauritius Aeronautical Information Publication.

Mr Speaker, Sir, I wish to point out that the documentary series “Inside the World’s Toughest Prisons” produced by Netflix is a showcase of conditions of detention in prisons around the world and, in this context, the Company had worked closely with Prison Authorities in Mexico, Honduras, Philippines, Poland, Brazil, Belize and Ukraine.

In accordance with the provisions of the Agreement signed between the Prisons Department and the Company, the film was viewed by the then Commissioner of Prisons and two other Prison Officers before release. The Commissioner of Prisons being satisfied with the factual accuracy and fairness of the film, agreed to its release.

Mr Osman Mahomed: Yes, thank you. In an interview he gave to *L'Express*, under the caption, ‘*Être dans la cellule du prisonnier le plus dangereux de Maurice*’, the Producer, Mr Raphael Rowe, stated one line, which I am going to quote, “*D'ailleurs, des questions de violation de droits humains se posent.*” Can I ask the hon. Prime Minister whether he does not think that these kinds of publicity can lower our rating in the 2020 Country Reports on Human Rights Practices in Mauritius, when the 2019 Report, before the release of the documentary, already highlighted that significant human rights issues in Mauritius included allegations of security force abuse of suspects and detainees and Government corruption.

The Prime Minister: Mr Speaker, Sir, I have not read *L'Express*, and I am not aware of that article.

Mr Osman Mahomed: Yes, in the same interview, which is publicly available online, it stated...

Mr Speaker: Hon. Member!

Mr Osman Mahomed: Yes?

Mr Speaker: The Prime Minister already stated that he has not read that newspaper.

Mr Osman Mahomed: It is his choice!

Mr Speaker: The same interview, you are going further with that?

Mr Osman Mahomed: No, but it is his choice to read or to not read, but the public has to know what is being written in the Press and being reperculated in the international...

Mr Speaker: But this is already in the news; it is in the public. And you do not even have the right to bring newspapers in the House. Consult your Standing Orders, hon. Member!

Mr Osman Mahomed: Mr Speaker, Sir, but, this morning, you yourself made allusion to newspaper article and you have asked the DPP to enquire based on newspaper article.

The Prime Minister: Well, when there is contempt!

Mr Osman Mahomed: So, newspaper...

(*Interruptions*)

The Prime Minister: When there is contempt!

Mr Osman Mahomed: Yes.

(*Interruptions*)

An hon. Member: Come on! *Laisse li poz so kestion!*

(*Interruptions*)

An hon. Member: *Twa ki to ete twa?*

Mr Speaker: What is happening in the House now? Both Members are reminded that you have to keep silent. I am on my feet! I am on my feet, both Members! Both Members, can you withdraw from the Chamber? Both Members! Hon. Nuckcheddy and hon. Armance, please withdraw from the Chamber!

(*Interruptions*)

Mr X. L. Duval: Mr Speaker, Sir, on a point of order. On what reason are you expelling hon. Armance from the House? What is your reason for doing so?

Mr Speaker: Hon. Member!

An hon. Member: Yes!

Mr Speaker: Do not reply! Hon. Leader of the Opposition, would you please leave the Chamber? Withdraw from the Chamber!

(Interruptions)

Withdraw from the Chamber! Withdraw from the Chamber!

(Interruptions)

One time, withdraw from the Chamber. Second time, withdraw from the Chamber! Withdraw from the Chamber!

Hon. Members: Shame! Shame!

(Interruptions)

Mr Speaker: Hon. Ms Joanna Bérenger!

An hon. Member: *Dehors!*

(Interruptions)

Mr Speaker: Hon. Ms Joanna Bérenger! You do not have the floor, hon. Member! You should ask the floor in Parliament! You cannot come and shout in Parliament!

(Interruptions)

So, hon. Leader of the Opposition, I am naming you!

At 12.36 p.m., the sitting was suspended.

On resuming at 12.55 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated. Hon. Prime Minister!

MOTIONS S.O. 17(3) & S.O. 29(1)

The Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. Leader of the Opposition, I beg, under Standing Order 17(3), to take the time of the House for urgent business.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, having obtained your permission, I beg to move, under Standing Order 29(1), to present a motion without notice.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

The Prime Minister: Mr Speaker, Sir, in view of your decision to name the hon. Leader of the Opposition, I beg to move that the hon. Leader of the Opposition be suspended from the service of the Assembly for today's and the next two Sittings.

The Deputy Prime Minister seconded.

The motion was, on question put, agreed to.

Mr X. L. Duval: Mr Speaker, Sir, on a point of order. If I can just ask you to listen to the recording because, according to me, my colleague, hon. Armance, made no comment whatsoever which would entail a suspension of his presence here in the House. Would you be kind enough to do so?

Mr Speaker: Hon. Members, hon. Xavier-Luc Duval raised a point of order on my decision to ask hon. Armance to withdraw from the House.

I rule that I did so by reason of the fact that hon. Armance was making unwarranted comments following my request to hon. Nuckcheddy and to hon. Abbas Mamode not to disrupt the proceedings. I rule.

Question!

MV WAKASHIO VESSEL OIL SPILL - JAPANESE AUTHORITIES - ASSISTANCE

(No. B/908) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the high level G2G negotiations currently being held by the Government of Mauritius with the Government of Japan in connection with compensation following the MV Wakashio Vessel Oil Spill, he will state if himself or his office is involved therein and, if so, indicate the progress thereof.

The Prime Minister: Mr Speaker, Sir, at the very outset, I wish to inform the House that there is no ongoing G2G negotiation between the Government of Mauritius and the Government of Japan in relation to compensation following the MV Wakashio Oil Spill.

However, I did have a teleconference with H.E. Mr Toshimitsu Motegi, the Minister for Foreign Affairs of Japan, to seek assistance for both the post-MV Wakashio

environmental remediation efforts and the recovery of the economy which has been severely affected since the COVID-19 pandemic.

As regards the Oil Spill, assistance was sought from the Japanese Authorities for the following two specific purposes -

- (a) support to the affected community in the south-east region through the acquisition of fishing boats, equipment and gears, engines for boats and the construction of a fish landing station, and
- (b) acquisition of sophisticated coastal radar surveillance system.

Mr Speaker, Sir, in spite of the COVID-19 pandemic that has upset the serenity of the world, Government has left no stone unturned to address the ecological, economic and social impact in the south-east region of Mauritius following the MV Wakashio Oil Spill. More importantly, prompt measures have been taken to alleviate the hardship of people whose livelihood was affected by the Oil Spill, along with other measures to mitigate the distress caused to the environment and our ecosystem in these regions.

Mr Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you. In reply to PQ B/700 this year, the hon. Attorney General stated, and I quote –

“I want to make difference between what is happening with the Wakashio case involving owners, charterers, insurers who are basically private entities and the G-to-G negotiations, the Government of Mauritius and the Government of Japan are, indeed, in negotiations. We have not refused any help; there are ongoing discussions at very high level, beyond my level, I should say.”

Can I ask the hon. Prime Minister whether the telephone conversation he has had with his counterpart is the high-level conversation that the hon. Attorney General was referring to or is there some other platform in which those negotiations are occurring at the moment?

The Prime Minister: Let me draw the attention of the hon. Member to facts. I do not know what he means by negotiation because his question is whether we have asked and we are in negotiation with the Government of Japan for compensation. That is not the case. It is on a bilateral issue that we are talking, we are discussing with the Government of Japan for a number of issues with regard to the COVID-19 pandemic which has affected us; with regard to help and support that we can get from the experts from Japan; with regard to the oil spill,

and with regard to any other support that we shall need to deal with a number of issues pertaining to certain sectors of the economy. So, you must be careful. There are different discussions that are ongoing to which, of course, I am a party.

Mr Speaker: Hon. Members, the Table has been advised that PQs B/909, B/910 and B/920 have been withdrawn. Next question!

C. P. - DEATH - POLICE INQUIRY

(No. B/909) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)

asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the death of C. P. on 05 May 2020 whilst being in police custody, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry initiated thereto, indicating the number of arrests effected in connection therewith, if any, as at to date.

(Withdrawn)

SAUDI ARABIA EMBASSY, EBENE - POLICE OFFICER - SUICIDE

(No. B/910) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)

asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Police Officer who allegedly committed suicide whilst on duty at the Saudi Arabia Embassy in Ebene on 06 November 2020, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if any -

- (a) footage of the incident, and
- (b) report regarding the psychological state of the said officer are available.

(Withdrawn)

MUSLIM FAMILY COUNCIL

(No. B/911) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Muslim Family Council, he will state if consideration will be given to

empowering same to act as a tribunal in respect of matters relating to Muslim marriages, including powers to summon witnesses, hold hearings and issue binding decisions.

The Prime Minister: Mr Speaker, Sir, section 29 of the Civil Status Act 1981 has recently been amended through the Finance (Miscellaneous Provisions) Act 2020, with a view to consolidating the Muslim Family Council. The amended legislation provides for the composition of the Muslim Family Council to now include a Vice-Chairperson, the Registrar of Civil Status or his representative and a Secretary who shall be a public officer designated by the Registrar of Civil Status.

Mr Speaker, Sir, as stated in my reply to PQ B/602, during the Sitting of 18 August 2020, the Muslim Family Council has, on 06 November 2020, been reconstituted with Mr Mohamed Irsad Cassam Laulloo as Chairperson and Mrs Shaheena Abdul Carrim as Vice-Chairperson. Mr Laulloo is a former District Magistrate and is currently serving as Chairperson of the Assessment Review Committee while Mrs Abdul Carrim is a Barrister since 2002.

Mr Speaker, Sir, the Registrar of Civil Status will shortly have a meeting with the Chairperson to discuss the affairs of the Council, including the backlog of pending cases and also take stock of any additional assistance that would be required to allow proper functioning of the Council and expedite matters related thereto.

Mr Speaker, Sir, it is to be highlighted that in accordance with section 30 of the Civil Status Act, the Muslim Family Council is vested with the power to make rules governing marriages celebrated in accordance with Muslim rites and the dissolution of such marriages. Furthermore, for cases of complaints in relation to marriages celebrated in accordance with the Muslim rites, the Civil Status (Muslim Family Council) Regulations 2005 provide the Council with the power to issue a summons to the other party to attend before the Council and to hear and determine the complaint in accordance with the rules governing such marriages.

Mr Speaker, Sir, as regards dissolution of marriages celebrated in accordance with the Muslim rites, the Muslim Family Council has its own operating mechanism. The Council first hears the case and advises concerned parties for reconciliation under its supervision. However, if parties refuse to reconcile, the Council then advises them on the procedure regarding the dissolution.

Mr Speaker, Sir, as regards empowering the Council to act as a Tribunal, the hon. Member is surely aware of the Supreme Court Judgement dated 10 October 2018 in the matter of Faizal Soodeen v/s Mrs Rosemeen Ibrahim to the effect that the Muslim Family Council cannot be compared to a Tribunal as it does not have the characteristics to qualify it to function as a Court of Law. The Judgement also highlighted that the ‘rulings’, if any, by the Muslim Family Council are neither binding nor are they sanctioned by penal provisions in case of non-compliance.

Mr Speaker, Sir, the Judgement further state, and I quote -

“It has not been demonstrated that the Council, for example,

- (a) was empowered by law to hold hearings or inquiries pursuant to an Act of Parliament;
- (b) can inquire or decide upon disputes;
- (c) can give binding decisions;
- (d) is governed by procedural or evidential rules as in a Court of Law;
- (e) in matters pending before it, there is an entitlement to be legally assisted or ability to call witnesses, and even cross-examine witnesses called by the other party, and so on ...”

Mr Speaker, Sir, furthermore, I have been informed by the State Law Office that the power to determine issues pertaining to “*l'état de la personne*” is already vested in the Supreme Court. Therefore, it would not be appropriate to give such powers to any other institution.

I am also of the view that it may not be proper to empower the Muslim Family Council to also act as a Tribunal as in such a situation, the latter will have to rule on operational decisions taken by the same Council and there might be potential conflict of interest as the members will be both judge and party.

Mr Uteem: Mr Speaker, Sir, the question is precisely whether consideration would be given to reverse the Supreme Court’s decision in the case of Faizal Soodeen v/s Mrs Rosemeen Ibrahim, being given that the law, as it currently stands, does not give such powers to the Muslim Family Council. That was the purpose of the opinion. Is the hon. Prime Minister aware that the Muslim Family Council is the only body which can dissolve a religious marriage? Not even the Supreme Court can do it. Will he not agree, being given

that only the Muslim Family Council can dissolve a religious marriage, that it has to be given the power to issue a decision which is binding on the parties before it, which power it does not have power today?

The Prime Minister: I have, Mr Speaker, Sir, been guided by advice because here, I am not knowledgeable in this matter. So, I stand to be advised and to be guided by the State Law Office, by the Attorney General's Office. If I have to review what the hon. Member is saying, I shall, of course, submit it to the Advisers so that we see if there is anything else that we can do with regard to this Council.

Mr Speaker: Time over by one minute! Hon. gentlemen, I will suspend the Sitting for one hour.

At 1.09 p.m., the sitting was suspended.

On resuming at 2.39 p.m. with Mr Speaker in the Chair.

Mr Speaker: Questions to Ministers! Hon. Mrs Luchmun Roy!

FAIR TRADE COOPERATIVE SOCIETIES

(No. B/922) Mrs S. Mrs Luchmun Roy (Second Member for Port Louis North & Montagne Longue) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in regard to the cooperative societies, he will state the –

- (a) number thereof,
 - (i) presently certified as fair trades by FLOCERT, and
 - (ii) that have been decertified since 2014 to date, indicating the reasons therefor, and
- (b) amount of money received by fair trade cooperative societies since 2014 to date, indicating the use made thereof.

Mr Bholah: Mr Speaker, Sir, fair trade commonly known as '*commerce équitable*' is a viable, but alternative model for trade. It is based on partnership between producers and consumers.

In Mauritius, fair trade offers small producers and workers in the sugar sector, regrouped into cooperative societies a better deal and improved terms of trade.

The fair trade certification concept is run by a separate organisation called FLOCERT and with compliance with fair trade standards. FLOCERT ensures that relevant social and

environmental standards are met and that producers receive the fair trade premium of USD60 per *tonne* of sugar over and above the price set by the Mauritius Syndicate.

Mr Speaker, Sir, with regard to part (a) of the question, I am informed that there were initially 38 fair trade cooperative credit societies within the sugar sector. Over the years, some societies have merged while others were simply decertified. As at date, there are 20 fair trade certified cooperative credit societies in Mauritius producing around 162,519 metric tonnes of sugar. 18 cooperative credit societies have been decertified by FLOCERT since 2014.

I am also advised that the main reasons for decertification are as follows –

- (1) shortcomings observed during audit exercise which include, *inter alia*, repeated non-conformities, inadequate participation of members and non-compliance to the environment regulations;
- (2) no follow-up scheduled by the society with regard to following audit;
- (3) non-payment of annual certification fee to FLOCERT;
- (4) no proper books of records maintained by the society;
- (5) compliance to labour standards could not be properly assessed;
- (6) use of fair trade premium without the approval of the Assembly, and
- (7) voluntary decertification.

Mr Speaker, with regard to part (b) of the question, I am informed that since 2014, fair trade cooperative societies have been paid a premium on sugar exported for a total amount of Rs390,191,891.

Recipient cooperative societies applies the premium receipt for, *inter alia*, provision of subsidy to cooperative planters for transport and fertilisers, finance the purchase of equipment for mechanisation, finance the purchase of land for construction of the office building of the society, investing in ICT for office use, training and capacity building for its members, procurement of health and safety equipment for planters, grants and financial support to members for cutting and loading of sugar cane, purchase of sprayers and derocking, amongst others.

Mrs Luchmun Roy: Thank you hon. Minister for the reply. But, is there any possibility for those cooperative societies that have been decertified to obtain a certification anew?

Mr Bholah: Yes, this is possible provided they have to pay a registration fee which is around Rs100,000. It is a one-off payment.

Mr Speaker: Hon. Members, the Table has been advised that PQ B/928 will be replied by Dr. the hon. Vice-Prime Minister, Minister of Local Government and Disaster Risk Management; PQ B/947 will be replied by the hon. Minister of Social Integration, Social Security and National Solidarity; PQ B/971 has been withdrawn.

Next question!

CAMP CHAPELON, PHILIPPE ROUSSET ROAD – HEALTH & ENVIRONMENTAL NUISANCES

(No. B/923) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the panel beating, paint and upholstery workshop operating at Philippe Rousset Road, in Camp Chapelon, he will state if his Ministry –

- (a) carried out an Environmental Impact Assessment prior to giving clearance for the issue of the operating permit thereto, and
- (b) is in presence of complaints from inhabitants of the vicinity regarding health and environmental nuisances emanating therefrom and, if so, indicate the measures taken by the *Police de l'Environnement*, if any, in relation thereto.

Mr Ramano: M. le président, en ce qui concerne la partie (a) de la question, je tiens à informer la Chambre que les ateliers de *panel beating*, de peinture et de rembourrage sont des entreprises qui ne figurent pas dans la partie B du *Fifth Schedule de l'Environment Protection Act* de 2002, tel que modifiée par la suite, et par conséquent, ne nécessite pas une licence *EIA* (*Environmental Impact Assessment*).

Par conséquent, aucune demande de permis d'*EIA* n'a été présentée à mon ministère pour l'atelier de *panel beating*, de peinture et de rembourrage situé à la Rue Philippe Rousset à Camp Chapelon et mon ministère n'a délivré aucune licence *EIA* à cet égard.

M. le président, en ce qui concerne la partie (b) de la question, on m'informe que mon ministère est en présence de plusieurs plaintes, depuis 2016, la dernière en date du 6 octobre 2020, de la part des habitants des environs dudit atelier concernant les nuisances par les odeurs et les perturbations sonores causées. Les habitants se sont également plaints du fonctionnement illégal de l'atelier de *panel beating*, de peinture et de rembourrage.

Etant donné que les ateliers de *panel beating*, de peinture et de rembourrage sont des commerces classés sous le *Local Government Act* de 2011, tel que modifié par la suite, *un trade licence* est émis par la municipalité de Port Louis.

Les plaintes reçues ont donc été transmises à la municipalité de Port Louis et au ministère de la Santé et du Bien-être en tant qu'«*enforcing agency*» pour les plaintes concernant le bruit et l'odeur selon *l'Environment Protection Act* de 2002, comme amendé par la suite.

Du côté de mon ministère, les officiers ont effectué des visites sur place et deux contraventions ont été établies par la «Police de L'Environnement», en 2018 et 2019, contre le propriétaire de l'Atelier pour avoir omis de payer les frais prescrits pour le commerce du *Panel beating*.

Je comprends du ministère des Collectivités locales, de la Gestion des catastrophes et des risques et la municipalité de Port Louis que, suite aux plaintes des habitants de la région, plusieurs affaires ont été déposées contre le propriétaire dudit Atelier. De plus, il y a actuellement deux procès devant la Cour au sujet de l'atelier, l'un devant la Cour de district et l'autre devant la Cour suprême. Le résultat des deux cas est attendu et des mesures appropriées seront prises en temps et lieu.

Mr David: Je remercie M. le ministre. Est-ce que je peux vous demander si la Police de l'Environnement, en contrôlant le garage en question, a tout d'abord vérifié que ce garage détient un *Building and Land Use Permit* pour exercer une activité de *panel beating and/or paint shop*, à l'adresse physique de la Rue Philippe Rousset à Camp Chapelon?

Mr Ramano: Je n'ai pas ce renseignement précis, M. le président, mais je me ferai un devoir d'avoir les renseignements de la Police de l'Environnement.

Mr David: Les services d'inspection de votre ministère ont-ils effectué des mesures au niveau des rejets émis dans l'atmosphère par ce garage pour déterminer la nature et les concentrations dans l'air des différents composés?

Mr Ramano: Je dois dire que la Police de l'Environnement travaille de pair avec le *National Environment Laboratory*. Nécessairement, s'il y a des plaintes concernant le bruit et l'odeur, donc, cela coule de source que les mesures de contrôle et les *surveys* sont effectués conjointement par la Police de l'Environnement et aussi le *National Environment Laboratory*.

Mr Speaker: Hon. Member, you have a supplementary?

Mr David: Yes. Dans un courrier adressé le 21 juillet 2020 par la Municipalité de Port Louis à Monsieur S. N. C., voisin immédiat du garage, il est précisé que Monsieur F. K., qui est la propriétaire du garage, a été formellement imposé de relocaliser la cheminée pour minimiser les effets nuisibles des émissions d'odeur. En fait, il y a deux cheminées et elles ont été relocalisées tout près de la fenêtre d'une maison. Le ministre peut-il nous dire si ces deux cheminées sont conformes aux normes environnementales en vigueur?

Mr Ramano: M. le président, je n'ai pas ce renseignement précis. Si l'honorable membre vient de l'avant avec une *substantive question*, je me ferai un plaisir de lui répondre.

Mr Speaker: Hon. Members, the Table has been advised that the following PQs have been withdrawn: PQ B/963, B/964 and B/965.

Next question!

FOREIGN WORKERS – LIVING CONDITIONS & FACILITIES

(No. B/924) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Labour, Human Resource Development and Training whether, in regard to the foreign workers, he will state the number of inspections carried out by his Ministry to verify the living conditions thereof and facilities extended thereto, since January 2020 to date.

Mr Callichurn: Mr Speaker, Sir, the living conditions of foreign workers in the Republic of Mauritius is governed by the Occupational Safety and Health, that is, Employees' Lodging Accommodation Regulations 2011, which establishes safety and health norms to be observed by employers in relation to lodging and accommodation provided to workers.

The requirements relate, amongst others, to provision of employee accommodation area, adequate bathrooms and toilets, water properly trickle and installations, cooking amenities, first aid facilities, lockers for personal belonging and adherence to cleaning and fire standards.

Furthermore, the regulations provide that no employer shall use a building as lodging and accommodation unless he holds a lodging and accommodation permit.

Mr Speaker, Sir, I am informed that since January 2020 to 23 November 2020, the Occupational Safety and Health Division of my Ministry has carried out some 1,186 inspections in employees' lodging accommodations to verify the living conditions of foreign workers.

Furthermore, I am informed that issues relating to health observed during visits carried out by the officers of my Ministry are subsequently referred to the Ministry of Health and Wellness for appropriate enforcement at their end. Since January 2020 to 23 November 2020, 41 such cases have been referred to the Ministry of Health and Wellness. In addition to the inspections, the Division has investigated into policy complaints received from foreign workers in relation to their lodging and accommodation for the same period.

Mr Speaker, Sir, subsequent to inspections carried and complaints investigated into, written notices are issued and contraventions are established regarding discrepancies noted. From January 2020 to 23 November 2020, 47 cases have been lodged before the Industrial Court for breach of provisions of the Occupation Safety and Health (Employees' Lodging Accommodation) Regulation 2011.

Following complaints made by trade unions regarding the standard of lodging accommodations, my Ministry has set up a Technical Committee to look into amendments to be brought in the current legislation regulating lodging accommodation to further improve the living conditions of workers.

Moreover, the Lodging Accommodation Committee set up under the Regulations meets on a weekly basis to determine applications for lodging and accommodation permits. Any complaints made by the employees' representative on the Committee are jointly investigated into by officers of my Ministry together with officers of the Ministry of Health and Wellness, and the Mauritius Fire and Rescue Service. The reports are subsequently submitted to the Lodging Accommodation Committee for appropriate decisions and actions to be taken by the relevant enforcing authorities.

Mr Speaker, Sir, with a view to ensuring better living conditions of expatriate workers the implementation of a dormitory facility scheme is being envisaged under which the promoters and investors would be encouraged to construct and rent centralised dormitory facilities to employers for lodging their foreign workers.

Mr David: Can the hon. Minister state whether there is a dedicated unit at his Ministry which is responsible for foreign workers in Mauritius?

Mr Callichurn: Yes, Mr Speaker, Sir, the Migrant Unit Department of my Ministry is responsible to investigate into any complaint made by foreign workers and representative of workers.

Mr David: Can the hon. Minister state whether it is a common situation that the passport of foreign workers be kept by their employers and, if not, will his Ministry do the needful to ensure that this is not the case?

Mr Callichurn: Well, Mr Speaker, Sir, employers unfortunately cannot withhold passports of foreign workers. It is against the established procedures and it is an offence as well.

Mr Bhagwan: Can I know from the hon. Minister whether he has received a request for the installation of a hotline whereby foreign workers are being made aware of the number and they can call at any time when they have problems, whether there is such a dedicated hotline, whether it is envisaged for the Ministry to set up that hotline?

Mr Callichurn: Unfortunately, at the moment we don't have such facility at the Ministry, but I take into consideration the request and I will eventually inform the Department of Migrant Unit to look into it.

Mr Speaker: Last supplementary!

Mr David: If not a dedicated hotline, as recommended by the hon. colleague, will the hon. Minister consider issuing to each foreign worker already in Mauritius and for the future ones coming, a guideline of the foreign worker where would be listed their rights and also their duties?

Mr Callichurn: Actually, Mr Speaker, Sir, in 2018, we worked together with the Ministry of Justice to issue a pamphlet to inform foreign workers of their rights in their respective language. So, we do have such pamphlets available.

Mr Speaker: Next question!

FORT WILLIAM TANK FARM - HEAVY FUEL OIL - LEAKAGE

(No. B/925) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Energy and Public Utilities whether, in regard to the spill of heavy oil through the leakage of a pipe transferring same from Fort William to a tank at Les Salines, in Port Louis, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the measures taken in relation thereto and the outcome thereof as at to date.

Mr Lesjongard: Mr Speaker, Sir, I am informed by the Central Electricity Board that on 29 October 2020, during some routine operations at Fort William Tank Farm, the technicians of the Central Electricity Board had observed a bush fire on Mauritius Ports

Authority (MPA) land, about 100 metres from the HFO (Heavy Fuel Oil) storage tanks. The Fire Services were immediately informed and the fire was extinguished.

On 30 October 2020, pressure tests were carried out on the underground HFO Pipeline which indicated a leakage of HFO from the pipeline, due to the bush fire. The pipeline was put out of use. The CEB Oil Spill Contingency Plan was activated immediately and the relevant authorities, namely the Ministry of Environment, Solid Waste Management and Climate Change, the National Disaster Committee, and the Port Emergency Services were notified.

Mr Speaker, Sir, after a complete inspection all along the pipeline, leakage of oil was noticed at a distance of about 150 m from Fort William Tank Farm in the area where there was the bush fire. The area was demarcated.

The Central Electricity Board has, since 30 October 2020, been carrying out daily removal of the oil with the support of Vivo Energy (Mauritius) Ltd and technical advice from Petro Contracting Ltd. Specialised equipment including submersible pumps, oil skimmers, mobile air compressors, booms, excavator, flexible hoses, cubicles, drums and portable steel tanks have been used.

I am informed that, as at 23 November 2020, around 98% which is equivalent to 14.7 m³ of oil recovery has been completed. In-situ bio remediation of the contaminated soil has already started. This is a relatively slow biodegradation process involving the growth of bacteria to breakdown hydrocarbon into carbon dioxide, water and soluble fatty acid and is expected to last for 2 months.

Mr Speaker, Sir, I wish to reassure the House that sea water samples have also been collected by the National Environmental Laboratory of the Ministry of Environment, Solid Waste Management and Climate Change at approximately 300 m, 500 m and 1 km from the oil leakage site and these tests have not revealed any presence of oil and grease in the sea water.

Mr David: Je remercie M. le ministre. Je comprends, donc, que ce déplacement d'huile a été constaté un peu par hasard, si je dois dire, suite à un départ de feu sur un terrain à côté de Fort William. Puis-je demander au ministre quand est-ce que le *CEB* a émis un communiqué pour informer le grand public de cet accident?

Mr Lesjongard: Mr Speaker, Sir, since it was within a restricted zone under the control of the Mauritius Ports Authority, there was no need to come out with the communiqué for the general public.

Mr Assirvaden: Merci, M. le président. M. le président, nous parlons ici de 20 m³ de *heavy fuel oil*. Est-ce que le ministre peut nous dire si l'enquête a déterminé dans le *occurrence book* ou le *log book* de Fort Victoria si les instructions du Management en terme de *visual inspection* de *HFO pipeline is being carried out once a week*, comme c'est demandé par le Management?

Mr Lesjongard: Mr Speaker, Sir, the question put by the hon. Member does not form part of the main question, but nevertheless, since later we will have another question and I have been provided with that information, I will be happy to share the information with the House, that is, 6 days before the bushfire, that is, on the 23 October 2020, the annual pressure tests were carried out on the two HFO pipelines by an independent registered machinery inspector and no leakage was present. Therefore, Mr Speaker, Sir, this indicates that it is the bushfire that has damaged the pipeline.

Mr Speaker: Last supplementary!

Mr David: Le ministre peut-il nous dire quel plan de prévention est envisagé par son ministère pour éviter qu'un tel accident ne se reproduise à Fort William?

Mr Lesjongard: Mr Speaker, Sir, whatever plan that we have at the level of the Central Electricity Board is as per the requirements of the Environmental Protection Act.

Mr Speaker: Next question!

FORT WILLAM – HEAVY FUEL OIL SPILL

(No. B/926) Mr F. David (First Member for GRNW & Port Louis West) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the spill of heavy oil through the leakage of a pipe transferring same from Fort William to a tank at Les Salines, in Port Louis, he will state the measures taken by his Ministry in relation thereto, indicating since when.

Mr Ramano: M. le président, avec votre permission, je répondrai à la question B/926 et aussi à la question B/952 si elle n'a pas été enlevée.

La section 29 de l'*Environment Protection Act* 2002 prévoit qu'un propriétaire d'un polluant qui est déversé doit immédiatement aviser le Directeur de l'Environnement. Donc,

c'est ce qui a été fait. On m'a informé que le vendredi 30 octobre 2020 vers 15 heures 45, la *Central Electricity Board* (CEB) a informé mon ministère d'un déversement d'hydrocarbures qui s'était produit à Les Salines. Selon les informations reçues, suite à des incendies de brousse à Les Salines, l'un des tuyaux de la *Central Electricity Board* a été endommagé et a entraîné une fuite de *heavy fuel oil* sur un terrain appartenant à la *Mauritius Ports Authority* (MPA), à côté de Fort William. Les officiers de mon ministère ont effectué des visites à Les Salines le même jour à 17 heures 20 et à 21 heures 15, pour évaluer la situation. Il a été demandé donc à la *Central Electricity Board* de boucler la zone touchée d'urgence et de restreindre l'accès au site.

De plus, la *Mauritius Ports Authority* a été mandée sur le site pour afin d'activer le *Port Louis Harbour Oil Spill Response Plan* pour la région du Port.

Le même jour, une lettre a été envoyée à la *Central Electricity Board* l'informant des dispositions sous la section 29(2)(c) de l'*Environment Protection Act 2002* concernant le déversement d'hydrocarbures et lui demandant de prendre immédiatement les mesures nécessaires, conformément à la section 30(2), ce qui a été fait par la *Central Electricity Board*, notamment –

- (i) prévenir, éliminer ou réduire les effets environnementaux négatifs du déversement;
- (ii) restaurer, dans la mesure du possible, l'environnement ;
- (iii) éliminer ou traiter de quelque façon que ce soit le polluant ou tout objet dont on soupçonne qu'il a été affecté par le polluant .

M. le président, la *Central Electricity Board* a été informée de la nécessité de prévenir mon ministère des mesures prises à l'égard du déversement et de soumettre quotidiennement des rapports à ce sujet.

Comme la cause de l'incendie fait l'objet d'une enquête actuellement, mon ministère a demandé au Commissaire de Police, donc, de nous tenir bien sûr informés sur la question.

Le 17 novembre 2020, une lettre a été envoyée à la *Central Electricity Board* lui demandant de mener une enquête à ce propos.

M. le président, en ce qui concerne les opérations de nettoyage, on m'informe que la *Central Electricity Board* a commencé ses opérations de nettoyage avec son personnel interne et aussi son équipement en cas de déversement d'hydrocarbures. Le site touché a été bouclé

par la *Mauritius Ports Authority* qui a déployé une partie de son équipement de déversement d'hydrocarbures. De plus, la *Central Electricity Board* a pris les dispositions nécessaires pour vider le tuyau de son contenu afin d'arrêter toute autre fuite de *heavy fuel oil*.

M. le président, au 19 novembre 2020, environ 14m³ des 15m³ qui se sont déversés avaient été recueillis. L'hydrocarbure recueilli est transporté à la centrale électrique de Fort Victoria où il est transféré dans des *sludge tanks* pour la décantation.

L'exercice de nettoyage, selon les renseignements que nous avons pu avoir, devrait être terminé cette semaine ci.

Et je tiens à informer la Chambre que, depuis le déversement d'hydrocarbures, des officiers de mon ministère, du *Central Electricity Board* ont effectué plusieurs visites sur le site pour faire le suivi des opérations de nettoyage. De plus, la *Mauritius Ports Authority* surveille de près les opérations de nettoyage avec la *Central Electricity Board* au moyen de visites régulières sur place. Et la *CEB* soumet des rapports quotidiens à la *MPA* et à mon ministère concernant les mesures prises.

En ce qui concerne les eaux souterraines, les rivières et les canaux dans la région, on m'informe que le *Port Master* de la *MPA*, à titre *d'Enforcing Agency* pour les « eaux du port », a déterminé que le déversement d'hydrocarbures qui s'est produit sur la terre ferme n'a pas atteint les eaux du port.

Malgré cela, le ministère de l'Economie bleue, des Ressources marines, de la Pêche et du Transport maritime et le *National Environmental Laboratory (NEL)* de mon ministère ont effectué des analyses de la qualité de l'eau de mer et de la qualité de l'eau souterraine respectivement.

Les résultats durant l'exercice de surveillance de la qualité de l'eau de mer réalisé par *NEL* le 12 novembre 2020, à trois endroits de 300m, 500m et 1 km du site de déversement d'hydrocarbures n'ont démontré aucune présence d'hydrocarbures.

Mr David: Je note, monsieur le ministre, donc que les sols, sous-sols, mers et eaux souterraines ont été analysés. Est-ce qu'il y a eu des contrôles au niveau de votre ministère sur la qualité de l'air dans le voisinage de Fort William?

Mr Ramano: Oui, M. le président. Je peux confirmer que les analyses qui ont été faits par les officiers du *National Environmental Laboratory* concernent la qualité de l'air et aussi le test en ce qui concerne l'eau.

Mr David: Le ministre peut-il nous dire s'il existe au niveau de son ministère un *Onshore Oil Spill Contingency Plan* et, si oui, s'il peut le déposer à la Chambre?

Mr Ramano: M. le président, le *National Oil Spill Contingency Plan* a comme prérogative et aussi le ministre de l'Environnement, en vertu de l'*Environment Protection Act*, surtout la section 32 de l'*Environment Protection Act*, a les pouvoirs nécessaires pour prendre les dispositions nécessaires que ce soit sur terre et en mer. Donc, nous sommes en train de mettre en application les plans nécessaires, M. le président.

Mr Speaker: Hon. Members, the Table had been advised that the following PQs have been withdrawn: B/960, B/961, B/972, B/973 and B/974. Next question, hon. Osman Mahomed!

CEB - MR M. K. G. - HUMAN RESOURCE MANAGER

(No. B/927) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain therefrom, information as to the outcome of the investigations carried out upon his request in relation to Mr M. K. G., Human Resource Manager thereat.

Mr Lesjongard: Mr Speaker, Sir, in reply to my Parliamentary Question B/616 at our sitting of 18 August 2020, in relation to Mr M. K. G., Human Resource Manager, I had informed the House that the Board of the Central Electricity Board had been requested to investigate into the matter and take actions as deemed necessary.

I am informed by the Central Electricity Board that an investigation was initiated by the Central Electricity Board. However, in the meantime, Mr M. K. G. has resigned from his post on 09 October 2020.

Mr Osman Mahomed: In his reply that he has mentioned in B/616 and today's reply, the hon. Minister had stated that he initiated investigation because of gross misconduct and poor performance of Mr K. G. and now we learn that Mr K. G. has resigned from the CEB. Can I ask the hon. Minister whether in resigning with the CEB, the Board of the CEB has approved the payment of a severance allowance in the range of Rs2.3 m. to 2.4 m. to Mr K. G.?

Mr Lesjongard: Mr Speaker, Sir, whatever payment has been given to Mr M. K. G. was in accordance with section 16 of the Workers' Rights Act.

Mr Osman Mahomed: Can I ask the hon. Minister whether the Board of the CEB did not have all the legal means through a Disciplinary Committee, because he, himself, has stated in Parliament, gross misconduct and poor performance, to dismiss Mr K. G., and like the case was for previous Officers whom have had dismissal from the CEB between 2015 to date, but instead the Board of the CEB has shown leniency and a lot of zeal in order to give a golden handshake to someone who has failed the Central Electricity Board?

Mr Lesjongard: Mr Speaker, Sir, first of all, I don't know whether when people submit their resignation and when they are compensated as per the law in force in Mauritius, we can call this a golden handshake, that's the first reply. The second one, I did, in my reply, state that an investigation was initiated, but the gentleman resigned after that. Thank you, Mr Speaker, Sir.

Mr Uteem: Thank you, Mr Speaker, Sir. Can I know from the hon. Minister whether the Central Electricity Board took any legal advice before making this payment? Because, as far as I know when a person resigns, he is entitled to zero compensation.

Mr Lesjongard: I don't have that information with me, unfortunately, Mr Speaker, Sir.

Mr Speaker: Next question!

TRANQUEBAR, GUILLAUME GIQUEL STREET – LEVELING & WIDENING

(No. B/928) Mr Osman Mahomed (First Member for Port Louis South & Port Louis Central) asked the Minister of Land Transport and Light Rail whether, in regard to the very narrow stretch of Guillaume Giquel Street, in Tranquebar, at the level of the entrance of Bangladesh, he will state if consideration will be given for the leveling and widening thereof to ease vehicular traffic thereat.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, I am informed by the Municipal Council of Port Louis that the stretch of Guillaume Giquel Street along Bangladesh at Tranquebar referred to by the hon. Member is approximately 4 metres wide over a length of about 150 metres which exclude a covered side drain used as footpath. This part of the road is also a tarred one and is in a satisfactory condition.

I am also informed that neither any complaint nor any request or report was received regarding the widening or levelling of this road, and as a result, the Council has no such

project. However, keeping in view the safety and security of the users of this road, the Council has informed that it will take up this matter at its next Public Infrastructure Committee meeting scheduled in December 2020 so that a decision is reached on the levelling and widening of this stretch of the road, if ever required. My attention has been drawn to the fact that there might be constraints for the widening of this part of the road due to the residential development of the frontage of this road.

Mr Osman Mahomed: I thank the hon. Minister for referring the case to the Council for onward consideration. Can I ask the hon. Minister, being given that he has himself said in his reply that the road is 4 metres wide for a two-way road along 115 metres stretch, this causes a lot of inconveniences and sometimes a lot of *bagarre* in the region, I am aware because this is in my Constituency, whether in the meantime that consideration will be given by the Council for enlargement of the road by whatever means the Council will deem it appropriate, to put priority signage so that traffic knows which one has priority over that stretch in order to avoid conflicts going forward?

Dr. Husnoo: Mr Speaker, Sir, I think it is best if we'll contact TRMSU. I think they can advise us whether we can do it on a one-way street or find any alternative solution to this particular stretch of the road.

Mr Speaker: Last supplementary!

Mr Osman Mahomed: No, I am not asking to make it one-way street. What I am asking is, in the meantime that the Council will consider enlarging the road whatever by levelling, as mentioned in the question, that the Municipal Council of Port Louis takes the lead and asks TRMSU to put priority signage so that this will reduce conflicts along that stretch of the road.

Dr. Husnoo: We are going to refer it to TRMSU, I have said so.

Mr Speaker: Next question!

LATE M. A. R. - SUSPECTED CASE OF INFANTICIDE - MEDICAL REPORTS

(No. B/929) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Health and Wellness whether in regard to the suspected case of infanticide of two-year old M. A. R., on or about 12 November, 2020, at Midlands, he will state the number

of times he had been admitted to the hospital since his birth, indicating if the medical reports in relation thereto reveal suspected cases of ill-treatment.

Dr. Jagutpal: Mr Speaker, Sir, with your kind permission, I will reply to PQs B/929 and PQ B/932 together.

At the very outset, I wish to present my sincere condolences to the aggrieved family. I was shocked to learn that a two year old child passed away in such tragic circumstances.

As regards PQ B/929, I am informed that late M. A. R. was born on 21 March 2018 at 05.35 hrs at Dr. A.G. Jeetoo Hospital and he was discharged on 28 March 2018. According to medical records, the child attended Jawaharlal Nehru Hospital on 23 September 2020, accompanied by his father, with history of trauma on shoulder. The child was examined and an X-ray done which showed no evident bone injury. The patient was given appointment to attend the orthopaedics Emergency on 24 September 2020, but he did not turn up.

Records kept at my Ministry have revealed that late M. A. R. was up-to-date on his vaccination/immunisation schedule.

Regarding PQ B/932, late M. A. R. was brought in by parents to the Accident and Emergency Department at Nehru Hospital on 12 November 2020 at 20.15 hrs, with history of choking during his nap after a meal. Patient was examined by the Medical and Health Officer posted at the Accident and Emergency Department who declared him dead and referred the dead body to the Police Medical Officer for post mortem examination.

Mr Speaker, Sir, I wish to inform the House that whenever a patient is brought in dead at Accident and Emergency Department, the following procedures are adopted –

The Medical and Health Officer of the Accident and Emergency Department –

- (a) takes the history of the patient from the accompanying persons;
- (b) examines the body for the probable cause of death;
- (c) makes a referral to the Police Medical Officer through the Police Officer at the Police Post of the hospital for post-mortem procedures;
- (d) thereafter the body is kept in the mortuary, and
- (e) the Police takes possession of the body for conveyance to the post-mortem examination centre.

I wish to inform the House that these same procedures were adopted in the case of late patient M. A. R.

Mr Speaker, Sir, I am further informed that the procedures adopted in this case was recorded in the Occurrence Book and the Casualty Notes which have been detained by Police for investigation and legal proceedings.

Ms Anquetil: Mr Speaker, Sir, can the Minister state how can a police officer interfere in the work of the hospital and allow the mother to leave a hospital with a dead body?

Dr. Jagutpal: Mr Speaker, Sir, as I have already stated in my reply, this matter is still under police inquiry and investigation and it is difficult for me, at this stage, to give any further reply.

Ms Ramyad: Can the Minister explain to the House how come that this two year old child was examined by a private practitioner in the hospital compound?

Dr. Jagutpal: Mr Speaker, Sir, no details can be revealed, yet, I wish to inform the House that normally the transfer of a dead body to the police medical officer for post-mortem examination is handled by the Police.

According to procedures, whenever a case has to be referred to the Police Medical Officer, the charge nurse informs the Police post at the hospital and the Police Officer at the Accident and Emergency Department follows the procedure for transfer.

Now, in this case, the inquiry is still ongoing and, if ever, a private practitioner has examined this child on the premises of the hospital, this case will be referred to the Medical Council as it constitutes a breach in the Code of Practice.

Mr Juman: Mr Speaker, Sir, can I know from the hon. Minister whether the doctor who signed the Death Certificate - now we are 12 days after this shocking incident - has been heard by the Medical Council?

Dr. Jagutpal: Mr Speaker, Sir, so far, I do not have these information, whether she has been heard or not, but if the hon. Member will come with a proper question, I may submit a reply.

Mr Speaker: Hon. Dr. Aumeer!

Dr. Aumeer: It is common knowledge in the medical practice that at times when dead corpse or dead persons are brought to the Casualty or in an Accident and Emergency Department, they are sometimes advised by the personnel to seek a private medical certification of death to avoid autopsy. I will kindly urge the Minister to see that stringent policies are put in place at the level of the Accident and Emergency Department to avoid the case of late M. A. R. Thank you.

Dr. Jagutpal: Mr Speaker, Sir, this point is noted and, obviously, the Ministry will take the necessary actions to prevent such practices.

Mr Juman: From the answer given by the hon. Minister, a child brought in dead to the hospital, registered at the record section, seen by a doctor and referred to PMO, how come the dead body come out of the hospital so easily? Will the Minister agree with me that this is a clear case of system failure of our health system? Will he look into it so that such mishap never happens again?

Dr. Jagutpal: Mr Speaker, I object to the opinion that the hon. Member has about the system, but the question arises how this patient has been handled. This is all under enquiry and it is the police who take possession once the body is referred to the police medical officer.

Mr Speaker: Last supplementary!

Ms Anquetil: Je vous remercie, M. le président. Est-ce que le ministre pourrait indiquer à la Chambre le nombre d'années de service que compte la doctoresse?

Dr. Jagutpal: Mr Speaker, Sir, again this question should be specifically addressed and I will then give a proper reply to that.

Mr Speaker: Next question!

PARENTAL LEAVE - INTRODUCTION

(No. B/930) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Minister of Labour, Human Resource Development and Training, whether, in regard to the introduction of the one-month parental leave measure, as announced in the Government Programme 2020-2024, he will state where matters stand as to the implementation thereof.

Mr Callichurn: Mr Speaker, Sir, this Government has at heart the interest of workers and their families. In this context, the House will recall that Government has, in May 2015,

increased the maternity leave entitlement from 12 to 14 weeks to workers of both private and public sectors to be in line with the ILO Maternity Protection Convention No.183.

Furthermore, in June 2018, Government amended the then Employment Rights Act to grant paid maternity leave to all female workers irrespective of their length of service.

Mr Speaker, Sir, the abovementioned leave entitlements have been maintained in the Workers' Rights Act passed in August 2019. In addition, provision has also been made for the rights to maternity leave be extended to all female workers adopting a child of less than 12 months.

Mr Speaker, Sir, the same spirit of reinforcing the family ties and ensuring that a child receives parental care and attention for a longer period, this Government has, in its 2020-2024 Programme, moved a step forward. Accordingly, it has taken the pledge to introduce a parental leave of one month in addition to the 14 weeks maternity leave granted to a mother.

In this regard, Mr Speaker, Sir, a Technical Committee has been set up at the level of my Ministry to examine the modalities of implementation of this measure. Mr Speaker, Sir, I wish to reassure the House that this Government will leave no stone unturned to implement this measure within this mandate.

Ms Anquetil: Je vous remercie, M. le président. Le ministre peut-il informer la Chambre quand est-ce que cette nouvelle mesure va entrer en vigueur, ne serait-ce qu'une indication?

Mr Callichurn: I have just mentioned, Mr Speaker, Sir, a Technical Committee has been set up to look into the modalities of this measure and I will inform the House accordingly.

Ms Anquetil: Je vous remercie, M. le président. Est-ce que le ministre pourrait informer la Chambre si ce rallongement du congé de paternité consiste tous les secteurs d'activités?

Mr Callichurn: Again, Mr Speaker, Sir, a Technical Committee has been set up to look into the modalities of the measure and the House will be apprised accordingly.

Ms J. Bérenger: Merci, M. le Speaker. J'aimerais partager avec la Chambre l'exemple de la Finlande qui a voté un congé de paternité équivalent au congé de maternité et a ainsi remplacé le risque de maternité par un risque de parentalité dans l'esprit des recruteurs. Le ministre ne pense-t-il pas qu'il serait judicieux de s'inspirer de cet exemple

pour que cesse toute discrimination à l'embauche et que les femmes et les hommes soient sur le même pied d'égalité face à l'opportunité d'embauche?

Mr Callichurn: This is an interesting proposition and we'll look into it.

Mr Speaker: Next question!

PRIMARY SCHOOLS & COLLEGES - EARLY/TEENAGE PREGNANCIES - SUPPORT

(No. B/931) Ms S. Anquetil (Fourth Member for Vacoas & Floréal) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to early/teenage pregnancies, she will state if the primary schools and colleges have the adequate amenities to cater for such special cases and, if so, indicate the infrastructure in place and support provided.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I wish to inform the House that a dedicated support is provided to pregnant students by their schools and the National Education Counselling Services of my Ministry. In this regard, the educational psychologists and educational social workers of the NEC provide backup support to students at school level and how to deal with their new situation and manage their studies at the same time. Moreover, they also act as facilitators and advise students and families on the importance of continued specialised care.

Mr Speaker, Sir, home visits are conducted by educational social workers with a view of encouraging the students to attend school during their pregnancy, depending on their health status as well as after confinement. Furthermore, when such a situation arises, educational psychologists also conduct class talks with the students' peers to ensure acceptance during pregnancy and the smooth reintegration of the students at school after confinement. Mr Speaker, Sir, this is in order to avoid any form of stigma.

Ms Anquetil: Je vous remercie, M. le président. Est-ce que la ministre pourrait indiquer à la Chambre, s'il est vrai que dans les cas de grossesses précoce dans les écoles et les collèges, ces élèves sont automatiquement référées à la *CDU* qui place ces élèves dans les *Shelters*?

Mrs Dookun-Luchoomun: No, Mr Speaker, Sir. This is not the case, I have just mentioned that students are, in fact, taken care of and the educational social workers do even

go at their places for home visits to ensure that everything is being done according to our legislation.

Mr Speaker: Hon. Dr. Aumeer!

Dr. Aumeer: Thank you, Mr Speaker, Sir.

Will the Minister consider having the services of a midwife attached to this specific college whenever there is a pregnant schoolgirl as they are at higher risk compared to the normal adult pregnant woman?

Thank you.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, the Ministry does not intend to go ahead with such a measure. However, all support required for the student will be provided if ever the situation arises.

Mrs Anquetil: Je vous remercie, M. le président. Est-ce-que la vice-Premier ministre pourrait indiquer à la Chambre si son ministère a la volonté politique d'arrêter les barrières et de donner des facilités de garderie pour l'allaitement et aussi accorder une possibilité de retarder les examens en cas d'accouchement?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, we do not think that we will be in a position to have nurseries attached to schools. However, in case a mother needs to breastfeed her child, necessary arrangements may be made for that particular person in case she wants to get the child to school instead of going home for breastfeeding.

Mr Uteem: May I know from the hon. Minister - and if she does not have the figure, she can table it later on - roughly, how many pregnant students go to primary school and colleges at the moment or in past years?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, I have been advised that there are no such cases in primary schools. However, I have got the figures for 2019 and 2020. Reported cases for 2019, there were two cases of students at school; for 2020 we had eight students.

Mr Speaker: Next question!

ROSE BELLE HOSPITAL - MINOR M. A. R.

(No. B/932) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to minor M. A. R.,

he will state the circumstances in which he was brought to the Rose Belle Hospital, on or about 12 November 2020, indicating the outcome thereof.

(Vide Reply to PQ No. B/929)

ENT HOSPITAL - MS D. C. - ADMISSION

(No. B/933) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to Ms D. C., he will state –

- (a) when and the circumstances in which she was admitted to the ENT Hospital;
- (b) if she was subjected to the PCR test and, if so, indicate the outcome thereof, and
- (c) when and under whose instructions she was discharged.

Dr. Jagutpal: Mr Speaker, Sir, I am informed that Ms D. C. came to Mauritius on 08 November 2020 aboard Flight MK 015 from France. In line with the protocol put in place, all incoming passengers are compelled to undergo a PCR test and produce documentary evidence of the negative result test before boarding the flight. On arriving in Mauritius, all passengers undergo a PCR test again.

I am informed that a PCR test was carried out on Ms D. C. on her arrival at the airport and she then proceeded to the Quarantine Centre, pending the result of the PCR test. The PCR result came out on the very same day and it revealed that the patient had an abnormally high rate of atypical CT, suggesting that she had a viral load which was just on the limit range to be interpreted as COVID-19 positive.

In spite of this very unusual result and as the reading was interpreted as COVID-19 positive, it was decided to transfer the patient to New ENT Hospital on the very same day. The patient was, however, placed in the only a single room available at the New ENT Hospital. This decision was taken in order to prevent any risk of probable infection if ever her PCR result was matter for justified concern and also to preserve the patient's health.

I wish to inform the House that the patient was asymptomatic, stable and under the care of a Chest Physician posted at the New ENT Hospital. After a detailed medical history and thorough scrutiny, the treating specialist decided to conduct additional PCR test on the patient much earlier than the timeframe specified in our protocol, that is, on Day 2 and Day 3 following her D0 test. Both PCR tests gave negative results.

Given the nature of this case and upon request of the specialist, Dr. C. G. gave a general advice on cases with artifact signal.

The specialist at New ENT Hospital then decided to discharge the patient and I am further informed that the patient has been tested PCR negative on Day 4, Day 7 and Day 14.

Mr Speaker: Supplementary!

Mr Juman: Hon. Minister, can we know exactly after how many days she was discharged?

Dr. Jagutpal: She was discharged on the third day, after her two tests were negative.

Mr Juman: How many days after?

Dr. Jagutpal: So, on Day 0, she was admitted, on Day 2 and Day 3, she was tested again, the test was negative and then she was discharged.

Mr Juman: So, from what we understand, a COVID-19 positive patient discharged from hospital after only three days? Yes? Am I right?

Dr. Jagutpal: Yes, in this case, this patient had a first test positive, a second test negative, the third test negative and then she was discharged.

Mr Juman: Can the hon. Minister tell us why she was given a special treatment by being discharged only three days after when the established protocol by the Ministry when he, himself, comes on national television to say that the protocol said: the second test should be done only after 7 days then the patient could be discharged.

Dr. Jagutpal: The tests are done at the request of the doctor posted at the ENT Hospital. There was no special treatment. I know the hon. Member is quite familiar with the word 'special' today. Now, this patient has been discharged following the result of the test conducted by the doctor. The doctor, posted at ENT, is in charge of the patients and the doctor takes the decision.

Mr Speaker: Supplementary!

Mr Juman: So, what about the protocol?

Dr. Jagutpal: Mr Speaker, Sir, I again stated in my reply that this patient has an atypical positive result, a weak positive result that has prompted the doctor to take the decision to do the test the very next day.

Mr Speaker: Next question!

Mr Juman: Hon. Minister, by giving instructions to discharge...

Mr Speaker: Next question!

Mr Juman: Poor goal keeping!

MEDICAL COUNCIL - MR A. S. C. - APPOINTMENT

(No. B/934) Mr E. Juman (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to Medical Council, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) date and terms and conditions of appointment of Mr A. S. C. as Board Member thereof, including the fees, if any, and other benefits drawn, and
- (b) qualifications thereof.

Dr. Jagutpal: Mr Speaker, Sir, with your permission, I will reply to PQs B/934, B/941 and B/957 because it is related to the same subject matter.

As regards to PQ B/934, I wish to inform the House that Mr A.S.C. was appointed as Board Member pursuant to Section 4(1) (e) of the Medical Council Act on 13 July 2020.

As far as benefits are concerned, in accordance with PRB 2016, Mr A.S.C. is paid a fee of Rs890 per sitting and a commuted travelling allowance of Rs230 per sitting.

Furthermore, Mr A.S.C. holds a Certificate in Mechanical Engineering from the Mauritius Institute of Training and Development.

As regards to PQ B/941, pursuant to Section 4(1) (e) of the Medical Council Act, Mr Uckiah Samy, Mr Monaff Mahomed Reshad, Mr Calou Arno, Dr. Pultoo Anand and Mr Ramphul Kaveeraj were appointed as members to the Board.

Mr Uckiah Samy holds a Certificate in Leadership and Management.

Mr Monaff Mahomed Reshad is holder of a BSc. in Social Work.

As I had just informed the House, Mr Calou Arno Santio holds a Certificate in Mechanical Engineering.

Mr Ramphul Kaveeraj is holder of a Master of Laws with Specialisation in Commercial and Corporate Law.

As regards part (c) of the question, in accordance with PRB 2016, the Board members are paid a fee of Rs890 per sitting and a commuted travelling allowance of Rs230 per sitting.

In regard to PQ B/957, I am placing a copy of a document on the requested information in the Library of the National Assembly.

Mr Juman: Thank you, Mr Speaker, Sir. Can the hon. Minister confirm to the House whether main function of the Medical Council is the Registration of new doctors, annual renewal of practising licence of doctors, investigating into alleged medical negligence, both into public and private sector?

Dr. Jagutpal: Yes, this is the...

Mr Juman: Can the Minister state whether this gentleman has any current or previous experience in the medical sector? Because here, we are talking of investigating into alleged medical negligence on the Board and also registration of new doctors. Can the Minister confirm...

Dr. Jagutpal: Mr Speaker, Sir, again, pursuant to section 4(1)(e) of the Medical Council Act, the 5% who, not being medical practitioners, shall be appointed by the Minister. So, the Medical Council Act clearly defines what is the definition of the members to be appointed in the Medical Council. They should not be medical practitioners, as it has always been members in the non-medical fields are appointed as Members of the Council.

Mr Speaker: Hon. Doolub!

Mr Doolub: Thank you, Mr Speaker, Sir. Can the hon. Minister inform the House in what ways Members appointed by him to the Medical Council contribute to the Board given that they do not have experience in the medical field? Thank you.

Dr. Jagutpal: There is a need to have laypersons on the Board to enable the Council to have unbiased views on decisions taken by the Board. We should not forget that the Board deals with sensitive issues, medical negligence, registration, and it is imperative to have views of Members from non-medical background. This is important so that we can have a balanced outcome of the decisions taken at the Board level.

Mr Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Yes. Being given that the Minister has the power to nominate certain Members on the Board and the Member we are referring to, represents the interest of the public, can we know from the Minister, in how many organisations, NGOs, does this

gentleman have social activities? Because being the representative of the people of Mauritius, we need to be engaged. So, can the Minister inform the House of the engagement of this gentleman?

Dr. Jagutpal: Mr Speaker, Sir, I do not have the information about this gentleman's engagement in other spheres, but if the hon. Member will come up with a question, I will give all the information.

Mr Speaker: Last supplementary!

Mr Juman: Can the Minister confirm if this gentleman was his political agent in his constituency?

Dr. Jagutpal: Mr Speaker, Sir, again, this is not a question. He is giving his views...

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: ...and I object to this question.

(Interruptions)

Mr Speaker: Order!

Dr. Jagutpal: This is not a supplementary question.

(Interruptions)

Mr Speaker: Next question!

PORT LOUIS, PAUL & VIRGINIE STREET – RE-ASPHALTING

(No. B/935) Mr E. Juman (Member for Port Louis Maritime & Port Louis East) asked the Minister of National Infrastructure and Community Development whether, in regard to the Paul & Virginie Street, in Port Louis, he will state if the National Development Unit is considering the repairs and asphalting thereof in the near future.

Mr Hurreeram: Mr Speaker, Sir, I am informed that this road falls under the purview of the Municipality of Port Louis. I am also informed that the CWA is at present undertaking to change and upgrade the pipe network in the region of Plaine Verte and Cité Martial, which includes Paul et Virginie Street and once the work is done, they will take care of milling and re-asphalting of the road. Therefore, to reply to the question, whether NDU is considering repairs, the answer is no.

Mr Ameer Meea: Mr Speaker, Sir, when tarring the road, can I ask the hon. Minister to see to it that the old tar is removed first before placing the new tar because this - I am not finished - gives rise to many issues in Plaine Verte, and I think in other regions as well. What happens is the height level of the road keeps on increasing, which gives so much inconvenience to drivers, motorcyclists, and in some cases, houses are lower than the street level and this may give rise to overflow of water in houses. So, can the hon. Minister see to it that the old tar is removed first?

Mr Hurreeram: This is what I just said, Mr Speaker, Sir. I said milling and asphalting. Milling means removing the top layer.

Mr Juman: Being given that this is among the main road in Plaine Verte region, can I ask the hon. Minister if it can be done in a fast track basis?

Mr Hurreeram: I have just said, Mr Speaker, Sir, regarding the NDU, so, no, we are not doing it. The CWA is doing it. So, any further question should be addressed to the substantive Minister.

Mr Speaker: Next question!

CEB (FACILITIES) LTD – INVESTMENT

(No. B/936) Mr P. Assirvaden (Second Member for La Caverne & Phoenix) asked the Minister of Energy and Public Utilities whether, in regard to the CEB (Facilities) Ltd., he will, for the benefit of the House, obtain from the Central Electricity Board, since the inception thereof to date, information as to the –

- (a) total investment made by the Central Electricity Board therein;
- (b) cost of the plant, machinery and equipment procured, and
- (c) number of employees recruited.

Mr Lesjongard: Mr Speaker Sir, with regard to part (a) of the question, I am informed that the total investment made by the CEB in CEB (Facilities) Co. Ltd since its inception, that is, in March 2017 to date, is Rs70 m. in the form of share capital, shareholders loan and current account.

As regards part (b) of the question, I am informed by the Central Electricity Board that the cost of the plant, machinery and equipment procured since inception to date is Rs49.9

m. and relates to acquisition of vehicles, computer equipment, furniture, office equipment, software, amongst others.

With regard to part (c) of the question, I am informed by the Central Electricity Board that the total number of employees recruited by the CEB (Facilities) Co. Ltd since inception to date is 114.

Mr Speaker, Sir, I wish to add that we have recently re-assessed the activities of the CEB (Facilities) Co. Ltd and have proposed a review of some operations with a view to rationalising and streamlining current procedures for an improved service delivery, which will result ultimately in greater efficiency and effectiveness in the energy sector.

Mr Assirvaden: Merci, M. le président. Nous savons tous, M. le président, que le *CEB (Facilities) Ltd* a été créé par l'ancien ministre. Dans la réponse que le ministre nous donne, les R 70 millions, les R 49 millions, est-ce que ça inclut aussi le bâtiment que *CEB (Facilities) Ltd* compte acheter à *Lanscope Mauritius*?

Mr Lesjongard: Mr Speaker, Sir, since the question put to me by the hon. Member does not form part of the initial question that he has put, I do not have the information with me, but I will try to get the information from the Central Electricity Board and I will forward same to the hon. Member.

Mr Assirvaden: M. le président, les presque R 150 millions de *CEB (Facilities) Ltd*, c'est l'argent de la population. Est-ce que le ministre est au courant, qu'à l'heure où nous parlons, dans le *compound* de *CEB (Facilities) Ltd* à La Tour Koenig, dorment plus de 11 véhicules achetés depuis plusieurs mois de l'argent public? Est-ce que le ministre est au courant de ce gaspillage d'argent pour le *CEB (Facilities) Ltd*?

Mr Lesjongard: Mr Speaker, Sir, these are comments put forward by the hon. Member. I do not know whether there are vehicles idle at the compound of the CEB (Facilities) Ltd, but I believe this should not be the case.

Mr Assirvaden: Ce ne sont pas des allégations, M. le ministre ! C'est un fait que les R 78 millions et les R 49 millions ont été servies en partie pour l'achat des véhicules par votre prédécesseur. Aujourd'hui, *CEB (Facilities) Ltd* a des employés en *part-time* du *CEB*, qui travaillent au *CEB* et au *CEB (Facilities) Ltd*. Est-ce que le ministre peut confirmer à la Chambre si une décision va être prise pour le *winding up* de ce *CEB (Facilities) Ltd*, et qu'est-ce qui va se passer dans ce cas-là à tout l'argent gaspillé jusqu'ici ?

Mr Lesjongard: Again, Mr Speaker, Sir, these are the views of the hon. Member, but I did say in my reply, that we have taken stock of the situation and that we are reassessing the activities of CEB (Facilities) Ltd with the view to rationalise and streamline the current processors for an improved service delivery.

Mr Speaker: Next question!

CEB - COMBINED CYCLE GAS TURBINE PROJECT – IMPLEMENTATION

(No. B/937) Mr P. Assirvaden (Second Member for La Caverne & Phoenix) asked the Minister of Energy and Public Utilities whether, in regard to the Combined Cycle Gas Turbine Project, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to where matters stand as to the implementation thereof.

Mr Lesjongard: Mr Speaker, Sir, in reply to Parliamentary Question B/370 at our Sitting of 21 July 2020, the House was informed that the tender for the Design, Supply, Installation, Testing and Commissioning of the Combined Cycle Gas Turbine (CCGT) Power Plant at Fort Georges was launched on 08 February 2018.

Following challenges received from some bidders, the Independent Review Panel had recommended the re-evaluation of bids on 27 December 2018. The Central Procurement Board had further requested confirmation regarding the financial aspects of the project.

I am now informed, Mr Speaker, Sir, by the Central Electricity Board that in light of the above, the Board had, on 29 July 2020, decided to cancel the said tender exercise. The Central Procurement Board and bidders had been informed accordingly.

Mr Speaker, Sir, a High-Level Committee has been set up to look into the implementation of this project, including a review of the demand-supply balance post-C0VID and financing aspects.

Mr Speaker: Hon. Assirvaden!

Mr Assirvaden: Merci, M. le président. M. le président, c'est important que la population sache que ce projet de *Gas Turbine* coûte quand même, malgré que le ministre donne la garantie aujourd'hui à la Chambre que ce projet a été *cancelled*. Ce projet a coûté jusqu'ici près de R 200 millions d'investissement au *CEB*, en termes de *underground cable transformers*. Le ministre vient nous dire aujourd'hui, après plusieurs années, que ce projet est *on the shelf*. Est-ce que le ministre peut nous dire si le *demand-supply balance, for the next five years*, va être déposé à l'Assemblée nationale pour qu'on puisse déterminer *when*

the additional capacity would be required ? Le fait que justement dans la réponse du ministre même, permettez-moi, M. le président, à la question B/370, le ministre disait : « *With the effect of COVID-19 pandemic on the electricity demand forecast, the CEB is revisiting its demand and supply (...)* » Est-ce que le plan est là pour que nous sachions tous comment le CEB va évoluer à l'avenir ?

Mr Lesjongard: Mr Speaker, Sir, first of all, in my reply I did not say that we have cancelled the project. I did say in my reply that we have cancelled the said tender exercise and, at the same time, I also said that we are reviewing the demand-supply balance post-COVID.

You will agree, Mr Speaker, Sir, and you will also appreciate that with COVID-19, there have been changes with regard to the demand of electricity in Mauritius. It is for this reason that the CEB is reassessing the situation, and after a reassessment of the situation would have been done, then, we would know what would be the way forward. If the hon. Member comes with a substantive question, I would be happy to furnish the information.

Mr Speaker: A last supplementary!

Mr X. L. Duval: Mr Speaker, Sir, may I ask the hon. Minister what is to happen to the old gas turbines which were planned to be decommissioned but, in fact, had been very little used, whether he knows what will happen to them? Whether they will now be maintained or whether in his review of the situation, he will consider maintaining these gas turbines which are still in very good condition and very good operational order, pending some repairs, of course?

Mr Lesjongard: Mr Speaker, Sir, this is not part of the question which has been put. If the hon. Member comes forward with a substantive question, I would be happy to provide the information.

Mr Speaker: Next question!

HARRY LATOUR STADIUM, MAHEBOURG – RENOVATION

(No. B/938) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the proposed renovation of the Harry Latour Stadium in Mahebourg, he will state where matters stand as to the implementation thereof.

Mr Toussaint: Mr Speaker, Sir, I am informed that repairs and renovation works are being carried out at the Harry Labour Stadium in Mahebourg.

The contract was awarded to Nova Glass Waterproofing Private Co. Ltd. and works have started on 01 June 2020 and are expected to be completed by the end of December this year.

The cost of works amounts to Rs9,607,789, inclusive of VAT.

The scope of works include the following –

- (1) Repair of broken slabs for drains;
- (2) Reconstruction of boundary walls;
- (3) Provision of main entrance gate and pedestrian gates;
- (4) Construction of a shelter near main entrance;
- (5) Repair work;
- (6) Construction of new concrete platform and provision of new water tanks;
- (7) Renovation of cloakrooms, office and public toilets;
- (8) Construction of a Ticket Post, and
- (9) Repair to fencing of football playground and other ancillary works.

Thank you.

Mr Doolub: M. le président, vu qu'il y a une activité tous les lundis dans les alentours de ce stade, plus précisément à la foire du lundi, est-ce que M. le ministre peut nous dire si ces travaux ne sont pas en train de gêner les forains et les clients pendant ce jour de foire ? Merci.

Mr Toussaint: *Yes, Mr Speaker, Sir, the hon. Member is absolutely right. On Monday there is a fair in the vicinity of the Harry Latour Stadium.* Cependant, au niveau du ministère, nous avons rencontré et les forains et le contracteur, et nous sommes tombés d'accord que les lundis, jours de foire, le contracteur ne travaille pas et nous nous sommes aussi arrangés avec le contracteur pour que tout le nettoyage des rues aux alentours soit fait les vendredis ou samedis, dépendant du dernier jour de la semaine qu'il travaille.

Mr Speaker: Next question!

WAKASHIO VESSEL OIL SPILL – BLUE BAY PUBLIC BEACH –

PUBLIC ACCESS

(No. B/939) Mr R. Doolub (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Environment, Solid Waste Management and Climate Change, whether, in regard to the Blue Bay Public Beach, he will state when access thereto will be re-opened to the public following the closure thereof in the wake of the Wakashio Vessel Oil Spill.

Mr Ramano: M. le président, suivant le *Oil Spill* du MV Wakashio le 06 août 2020, un arrêté a été émis par le *National Crisis Committee* le 10 août 2020 à travers un *General Notice No. 1148 of 2020*, publié dans le *Government Gazette* par lequel la région de la Jetée de Bois des Amourettes et le long d'une ligne imaginaire jusqu'à Le Chaland et diverses régions de Pointe d'Esny à Trou d'Eau Douce, ont été déclarées comme zones interdites.

M. le président, depuis l'échouement du MV Wakashio et la marée noire, le *National Environmental Laboratory (NEL)* de mon ministère, le *Mauritius Oceanography Institute (MOI)*, *Albion Fisheries Research Centre (AFRC)*, ainsi que le *National Parks and Conservation Service (NPCS)* surveillent la qualité de l'eau de mer, les sédiments et des poissons dans les zones touchées. La qualité de l'air pour la présence de *Volatile Organic Compounds (VOC)* et la réalisation d'études écologiques des coraux, des mangroves et des îlots dans les zones réglementées ainsi que dans d'autres régions autour de l'île sont également effectuées.

Tous les suivis environnementaux sont effectués conformément aux lignes directrices et méthodologies acceptées à l'échelle nationale et internationale, à savoir les *Guidelines for Coastal Water Quality de l'Environment Protection Act 2002*, *le Quality Criteria for Water 1986 de l'US EPA*, *le Lowest-Observed-Adverse-Effect Level (LOAEL) des Etats Unis-Environment Protection Act, the European Union (2005) and the US Environment Protection Agency (NEW CARISSA 1999) guidelines*.

Les résultats de la surveillance des différents composants environnementaux diffèrent d'une région à l'autre. Bien que les différents paramètres testés soient conformes aux lignes directrices applicables à certains sites, ces paramètres sont dépassés dans d'autres cas et, par conséquent, la surveillance doit être maintenue dans ces domaines.

M. le président, à la suite de la marée noire, une trentaine de kilomètres de littoral le long de la côte sud-est ont été touchées et, par la suite, quelque 49 tronçons de côte ont été identifiés pour être nettoyés. Dans ce contexte, le 19 août 2020, Le Floch Depollution, nommé par le Japan Protection & Indemnity (P&I) Club, a commencé le nettoyage de Blue

Bay à Rivière des Créoles, y compris les îlots. D'autre part, Polyeco Société Anonyme, également nommé par P&I Club, a commencé le nettoyage de Rivière des Créoles à Pointe du Diable le 23 août 2020. Les opérations de nettoyage dans les zones touchées ont atteint différents stades et progressent par l'utilisation de techniques appropriées propres au site telles que le nettoyage manuel, *le high-volume low-pressure flushing, le skimming et le hot water high-pressure washing*.

M. le président, suite à une réunion du *National Crisis Committee* tenue le 19 octobre 2020 et les discussions tenues, un *Sub-Committee on the reopening of restricted areas* a été mis en place au sein de mon ministère.

Sur la base des résultats de la surveillance environnementale effectuée et du respect des niveaux d'huile et de graisse selon les guidelines ainsi que sur les opérations de nettoyage, le *Sub-Committee* a formulé des recommandations visant, entre autres, à rouvrir onze sites de Trou d'Eau Douce à Petit Sable, ainsi que La Cambuse et Pointe Vacoas. Par voie d'un *General Notice 1597* de 2020, la restriction a été levée le 7 novembre 2020 par le *National Crisis Committee* pour les activités de natation, de plongée, de surf et de *boating* seulement.

M. le président, en ce qui concerne la région de Blue Bay, incluant la plage publique de Blue Bay, le *National Coast Guard Post*, l'hôtel Peninsula Bay, le parc marin de Blue Bay et l'Ilot des Deux Cocos, le 20 novembre 2020, lors de la troisième réunion du *Sub-Committee*, il a été noté que certains paramètres environnementaux surveillés n'étaient pas conformes aux normes des *Guidelines*. La surveillance est maintenue par mon ministère en collaboration avec le *National Coast Guard* et le ministère de l'Economie bleue, des Ressources marines, de la Pêche et du Transport Maritime. Une fois que les résultats des tests environnementaux et des opérations de nettoyage seront satisfaits, le *Sub-Committee* formulera des recommandations appropriées pour qu'une décision soit prise concernant la levée des restrictions dans cette région.

Mr Speaker: Next question! No. B/940!

**MEDICAL COUNCIL - FRAUDULENT MEDICAL CERTIFICATES - JANUARY
2019-NOVEMBER 2020**

(No. B/940) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Wellness whether, in regard to medical certificates issued by medical practitioners, he will, for the benefit of the House, obtain from the Medical

Council, the number of reported fraudulent cases thereof since January 2019 to date, indicating the actions taken in relation thereto, if any, in each case.

Dr. Jagutpal: Mr Speaker, Sir, I am informed that since January 2019 to date, the Medical Council has received a total of eight complaints on allegedly fraudulent medical certificates. After a preliminary investigation conducted by an Investigating Committee and after deliberation at Board level, Council acted in accordance with Section 19 of the Medical Council Act by inflicting a warning or a severe warning to three concerned Medical Practitioners.

Two cases have been set aside as Council concluded no shortcoming or breach in the code of practice on the part of the doctors.

Furthermore, three cases are still under investigation by Council.

Mrs Foo Kune-Bacha: Est-ce que l'honorable ministre peut nous dire si ceux qui ont incité ces médecins à délivrer des certificats de complaisances ont été sanctionnés, si oui, quelles étaient les sanctions ?

Dr. Jagutpal: Mr Speaker, Sir, I just replied that the Council has inflicted a warning or a severe warning on three concerned Medical Practitioners out of the eight complaints received in 2019 and three are still under investigation.

Mrs Foo Kune-Bacha: Ma question est par rapport à ceux qui ont incité ces médecins à délivrer des certificats.

Dr. Jagutpal: Mr Speaker, Sir, I don't have any reply for this because this has not been provided to me.

Mrs Foo Kune-Bacha: Est-ce que le *Medical Council* conduit régulièrement des formations médicales continues obligatoires sur l'éthique médical pour tous ses membres ?

Dr. Jagutpal: Mr Speaker, Sir, there is already a regulation in the Medical Council Act that all doctors, be it in the private sector or in the public sector, have to attend continuous medical education and they have to earn twelve points and after that their licence is renewed the year after.

Mr Speaker: Last supplementary!

Mr Uteem: May I know from the hon. Minister, being given that issuing a false medical certificate is a criminal offence, out of all the cases referred to the Medical Council,

how many of these cases have been referred to by the Medical Council to the Police for investigation?

Dr. Jagutpal: Mr Speaker, Sir, this is not a criminal office, but this is against the Code of Practice because a doctor/a medical practitioner has to abide by the Code of Practice. If ever they are subject to police investigation, the Medical Council refers the matter to the Police for any action.

Mr Speaker: Next question!

MEDICAL COUNCIL - BOARD MEMBERS

(No. B/941) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Wellness whether, in regard to the Medical Council, he will, for the benefit of the House, obtain therefrom, information as to the names of the Board members thereof not being medical practitioners, appointed by the Minister, indicating the respective -

- (a) qualifications held, and
- (b) benefits drawn.

(Vide Reply to PQ B/934)

ROAD TRAFFIC MANAGEMENT UNIT - MOTOR CAR ACCIDENTS - JANUARY 2019-NOVEMBER 2020

(No. B/942) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Land Transport and Light Rail whether, in regard to motor car accidents, he will, for the benefit of the House, obtain from the Road Traffic Management Unit, information as to the number of reported cases thereof since January 2019 to date, indicating -

- (a) the number thereof in which children under 12 are involved, and
- (b) if consideration will be given for amendments to be brought to the Road Traffic Act to make it compulsory for baby and infant car seats and appropriate child restraints to be used according to child's age and size.

Mr Ganoo: Mr Speaker, Sir, I am informed by the Police that the number of reported cases in regard to motor car accidents since January 2019 to date is 13,540.

With regard to part (a) of the question, I am informed by the Police that 65 children under 12 are involved in these accidents.

With regard to part (b) of the question, I wish to inform the House that while there are existing provisions in the law to prohibit children under 10 years old to be seated in the front seat of a motor car, there is currently no legislation in force in respect of child restraint.

However, my Ministry will soon introduce regulations on children restraint with a view to protect children from injury or death during vehicle collision. Draft regulations have already been worked out by my Ministry in consultation with relevant stakeholders namely the Traffic Management and Road Safety Unit and the Police, and same was submitted to the Attorney General's Office for vetting in October this year.

The proposed regulations will consider providing for child restraint system to accommodate children of different ages.

Sir, I wish to further inform the House that the proposed regulations will stipulate that all children up to 10 years of age must be secured by a child restraint when travelling in a motor car.

Moreover, several types of child restraints have been defined in the proposed draft regulations including the rearward and forward facing infant carriers and the booster cushions. This will ensure that children up to 10 years old in vehicles equipped with seat belts are transported with the use of a child restraint.

Mr Speaker, Sir, the enactment of the Road Traffic Child Restraint Regulations will go a long way towards increasing the safety of our children travelling in vehicles.

Mrs Foo Kune-Bacha: Est-ce que l'honorable ministre peut nous dire le nombre d'accidents qui ont été fatals aux enfants de moins de douze ans?

Mr Ganoo: The question asked by the hon. Member, Mr Speaker, Sir, was the number of children involved in accidents for the two years. So, if a substantive question is put about fatal accidents involving that category of children, I will surely provide the answer.

Mrs Foo Kune-Bacha: Est-ce qu'il y a eu des analyses de ces accidents pour déterminer si l'usage approprié des sièges d'autos pour bébés et enfants aurait pu diminuer le nombre de décès ou de blessés graves?

Mr Ganoo: Well, Mr Speaker, Sir, experience in other countries has taught us that, in fact, we have several types of child restraint depending on the age of the children. This will

surely protect the children travelling in the cars or in the other vehicles. That is why we are providing for legislation to protect children under the age of 10 as I just mentioned in my reply with child restraint.

Mr Speaker: Next question!

PRE-PRIMARY & PRIMARY SCHOOLS – CORPORAL PUNISHMENT – REPORTED CASES

(No. B/943) Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to corporal punishment inflicted by teachers in pre-primary and primary schools, she will state the number of reported cases thereof since January 2019 to date, indicating the actions taken in relation thereto by the authorities in each case.

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, I am informed that since January 2019 till date, the number of corporal punishment cases reported to the Police in pre-primary and primary schools stands at 28, of these, 3 pertain to pre-primary sector.

Police has further informed that 24 cases are under enquiry. For 2 cases, the DPP has advised that no further action is required. As for the 2 remaining cases, the advice of the DPP is still awaited. There were also complaints that were made schools and at zone level which were not, however, reported to the Police.

Mr Speaker, Sir, the Ministry has a zero tolerance policy in regard to corporal punishment and any other form of violence in schools. Any incident relating to corporal punishment is immediately investigated, and based on confirmed evidence of corporal punishment having been resorted to, appropriate disciplinary action is taken. The Ministry regularly draws the attention of heads of schools to the fact that corporal punishment is against international convention protecting the rights of the child and is illegal. They have been urged to regularly sensitise all teaching and non-teaching as well.

Moreover, children who unfortunately become victims of corporal punishment are provided with the support of an educational psychologist who counsels them and helps them to overcome any distress caused by such incidents.

Mrs Foo Kune-Bacha: Merci. Peut-on savoir de l'honorable ministre si les enseignants sont sensibilisés aux effets néfastes de la punition corporelle et formés à la Discipline Positive et non violente?

Mrs Dookun-Luchoomun: Mr Speaker, sir, in fact, they are constantly being given training, and also, they are given advice as to how to proceed with students and what is considered to be pedagogically sound. Obviously, Positive Discipline is a major field that is being now considered.

Ms J. Bérenger: Merci, M. le président. Pourrait-on savoir qui sont les formateurs à la Discipline Positive, qui donnent les cours de formation, s'il vous plaît?

Mrs Dookun-Luchoomun: En principe au ministère de l'Education, c'est la *MIE*, l'institut pédagogique qui a la charge de la formation des professeurs. Mais nous avons aussi eu des discussions avec certains représentants de la *SeDEC* qui ont proposé de nous venir en aide et de discuter la proposition de donner des cours aux professeurs dans la Discipline Positive.

Mr Speaker: Next question!

MAURITIAN UNIVERSITIES & SPECIALISED INSTITUTIONS - FOREIGN STUDENTS - ESTABLISHED PROTOCOL

(No. B/944) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the foreign students studying in Mauritian universities and other specialized institutions, she will state the established protocol in relation to the –

- (a) first year students registered for the first time in Mauritian institutions, and
- (b) students already studying in Mauritius who went on vacation in their native countries and who are unable to return to Mauritius due to COVID-19 restrictions?

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, the prevailing COVID-19 pandemic has compelled authorities in Mauritius to review the established protocol regarding the entry of foreigners to Mauritius, including foreign students who generally take studies in any local, high educational or training institutions. As a rule, all

foreigners wishing to enter Mauritius have to conform to the COVID-19 protocols in force in the country for the safety of our people.

With regard to part (a) of the question, with the closure of the Mauritian borders, following the outbreak and spread of COVID-19, I am informed that applications for entry to Mauritius from first the students registered for the first time in any Mauritian high educational or training institution, were not entertained by the relevant authorities, and with the phased reopening of the borders as from 01 October 2020, I am informed that applications from recognised high educational or training institutions in respect of new registered foreign students are now being accepted by the Passport and Immigration Office as per the existing guidelines for application and issue of permits in respect of foreign students.

With regard to part (b) of the question, the admission to Mauritius of those foreign students during the pandemic and prior to the phased reopening of our borders depended on the availability of flights. However, every possible assistance was extended by my Ministry and the Higher Education Commission to the local higher educational institutions with a view to facilitating the travel arrangements of those foreign students to return to Mauritius to resume their studies.

The House may wish to know that my Ministry has put in place a coordinating mechanism, whereby any Mauritian educational or training institution having registered foreign students still stranded abroad, may forward the list of same to the Higher Education Commission for onward submission through my Ministry to the competent authorities, including the Passport and Immigration Office for the facilitation of the issue of students' visas and residence permits as well as for the travel arrangements.

Mr Speaker, Sir, I am also informed that the travelling protocol applicable for any students is that they will have to produce a certificate of negative COVID-19 PCR test administered between 5 and 7 days prior to the date of boarding on flights of the last point of embarkation. Upon arrival in Mauritius, the foreign students, whether new or existing ones, have to mandatorily abide by all sanitary protocols put in place by the Ministry of Health and Wellness.

Mr Nagalingum: I am informed that, at least, one particular private institution has received visas for the foreign students, and for me, this is clearly *une politique de deux poids deux mesures*. Will the hon. Vice-Prime Minister confirm this information and explain why this *politique de deux poids deux mesures*?

Mrs Dookun-Luchoomun: Mr Speaker, Sir, as far as the phased reopening of the borders is concerned, as soon as the Ministry received requests from the institutions, the requests were forwarded to the authorities, and as soon as we came to know about this problem, we advised the Higher Education Commission to come into contact with all educational institutions and ask them whether they had students who are still awaiting to come back to the island, and we have offered the same facilities to all.

Mr Speaker: Next question!

BANYAN TREE BANK - LOCAL AUTHORITIES - INVESTMENT

(No. B/945) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the local authorities, he will, for the benefit of the House, obtain therefrom, information as to whether they held accounts in the defunct Banyan Tree Bank in which they had deposited funds in respect of the General Fund and, if so, indicate the -

- (a) local authorities concerned therewith, and
- (b) respective amount of funds at stake.

The Vice-Prime Minister, Minister of Local Government and Disaster Risk Management (Dr. A. Husnoo): Mr Speaker, Sir, with your permission, I am going to reply to PQ B/945 and PQ B/949 together as both pertain to the same subject matter.

Mr Speaker, Sir, I am informed by the Bank of Mauritius that the Banyan Tree Bank Ltd was issued with a banking licence of 06 September 2012, to conduct banking business in Mauritius and had started its operation on 18 February 2013.

I am further informed by the Bank of Mauritius that the Banyan Tree Bank Ltd is not defunct but under conservatorship.

Pursuant to section 65 of the Banking Act 2004, the Bank of Mauritius has on 01 April 2020, appointed a Conservator to the Banyan Tree Bank Ltd to safeguard the interest of the depositors.

Based on financial information obtained from the Chief Executive of all local authorities, two Municipal Councils are concerned with investment in Banyan Tree Bank Ltd as follows -

- (i) the Municipal City Council of Port Louis had bidding exercise opened a saving account at the Banyan Tree Bank Ltd. and transferred fund on two occasions, namely, an amount of 20 million on 28 February 2020 and an additional amount of 25 million on 02 March 2020, and
- (ii) the Municipal Council of Port Louis has also reported that it has placed the 45 million in a saving account in the Banyan Tree Bank Ltd. instead of the Treasury Bill Certificate as the funds were required within a period of three to four months for payment of obligation, as the duration of maturity of the Treasury Bill is 6 months, which would have impacted on its cash flow.

Mr Speaker, Sir, I am informed that the Municipal Council of Curepipe had on its part invested an amount of Rs87.75 m. at the rate of 4.45% in the Banyan Tree Bank Ltd. as fixed deposit on 12 February 2019, which had matured on 12 February 2020.

At a meeting held on 31 January 2020, the Council approved that the amount be invested in the Treasury Bill upon maturity. However, the Council's decision was not implemented at that material time. It was only on 19 March 2020, that a letter was hand-delivered to the Banyan Tree Bank Ltd. to that effect and on 01 April 2020, the bank went under conservatorship. Consequently, the funds invested were Rs91.65 m., that is, the capital and the interest were automatically frozen and could not be withdrawn.

Mr Speaker, Sir, an investigation was carried out by the Internal Control Section of the Ministry of Finance, Economic Planning and Development in respect of the placement of funds by the Municipal Council of Curepipe at the Banyan Tree Bank Limited. The investigation which was carried out during the period 14 to 29 May 2020 has revealed that there has been negligence of duty by two officers of the Municipal Council of Curepipe in safeguarding the funds of the Council regarding the investment in Banyan Tree Bank Limited. Disciplinary action has been taken against one officer and has been initiated against the other officer.

Mr Speaker, Sir, the House may wish to note that the Bank of Mauritius has informed that the offer from potential investors for the acquisition of the Banyan Tree Bank Limited are under process. Accordingly, the possibility for the Municipal Council to recover the investment at the Banyan Tree Bank Limited still exists.

Mr Nagalingum: Can I ask the hon. Vice-Prime Minister whether a due diligence exercise was undertaken with the FSC and the Bank of Mauritius before the Local Authorities concerned deposited money in that bank?

Dr. Husnoo: As I mentioned before, they deposited that money in 2019. I think they are supposed to do a due diligence, but I don't think they did it.

Mr Ameer Meea: Mr Speaker, Sir, very often, we hear that Municipal Council do not have funds to do X, Y, Z project, but we are very shocked that they have Rs87 m. placed on deposit, and this is very disturbing. Can I ask the hon. Vice-Prime Minister whether the new bidders for Banyan Tree Bank have given the assurance that they will guarantee the deposit from any institutions that have deposited their cash in the bank?

Dr. Husnoo: I am sorry; I don't have that information from the Bank of Mauritius.

Mr Speaker: Hon. Nagalingum!

Mr Nagalingum: If I may ask the hon. Vice-Prime Minister, before investment or when the investment comes to maturity, is there an investment committee which looks at whether the money should be reinvested with the same bank or look for other more competitive investment placement?

Dr. Husnoo: In that case, if I take Curepipe - I mean, the Council on two occasions asked for the money to be transferred but, unfortunately, it was not transferred in time by the officers.

Mr Speaker: Hon. Xavier-Luc Duval!

Mr X. L Duval: The hon. Vice-Prime Minister may be aware that Banks are graded by the Bank of Mauritius and, very often, there are guidelines that exist for parastatal, etc., as to which type of grade of bank they are allowed to deposit money. Can I ask the hon. Vice-Prime Minister whether this type of guideline or instruction exists for Municipal Councils and, if it doesn't, whether it's not now time to start this for Municipal Councils?

Dr. Husnoo: Mr Speaker, Sir, they receive guidelines from the Ministry of Finance and they are supposed to follow the guidelines but, unfortunately, they did not do so.

Mr Speaker: Last supplementary! Hon. Ameer Meea!

Mr Ameer Meea: The hon. Vice-Prime Minister explained that Banyan Tree Bank was offering almost 4.5% of interest whereas Treasury Bills were yielding 1.3%. Can I ask

the hon. Vice-Prime Minister whether the Committee which decided to go for Banyan Tree Bank Limited did not take that into consideration, that this should have rung a bell that it looks like a Ponzi to attract people, to attract customers and, the more so, it goes in contradiction with the Ministry of Finance which recommends Municipal Councils to place their money in Treasury Bills, and this is according to a circular letter?

Dr. Husnoo: I agree with you; I mean, it recommends them to put their money in Treasury Bills. But, as I mentioned, on two occasions the Council asked for the money to be transferred, but there was delay on the part of these officers and it was not transferred in time, that's why we are landed in such a mess.

Mr Speaker: Hon. Members the Table has been advised that PQ B/966 has been withdrawn. Next question!

STC - LIQUEFIED PETROLEUM GAS - SUPPLY – 01.11.20-31.10.21

(No. B/946) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Commerce and Consumer Protection whether, in regard to the tender for the supply of Liquefied Petroleum Gas for the period 01 November 2020 to 31 October 2021, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to where matters stand.

Mr Sawmynaden: Mr Speaker, Sir, I am informed by the State Trading Corporation that on 15 July 2020, the Central Procurement Board launched an online international tender for the supply of 78,000 metric tonnes of LPG for the period of 01 November 2020 to 31 October 2021.

Out of 10 bidders who downloaded the bidding documents, 5 submitted their bid securities and only 4 bids were received at the opening of bids on 14 August 2020. A fifth bidder, namely Petredec Ltd which could not upload its bid on the e-procurement system, submitted same by mail to STC.

On 02 September 2020, the CPB recommended the award of the contract for the supply of LPG to Geogas Trading SA, which was among the 4 bidders for the period of November 2020 to October 2021 at a premium of 114 USD per metric tonne for small parcels and 39 USD per metric tonne for large parcel; the latter requiring additional storage facilities in Mauritius.

Since the bid recommended was substantially above the applicable cost estimates and also taking into account the savings which could be realised, the Board of the STC decided at its meeting on 29 September 2020 to cancel the bidding exercise for the procurement of LPG for period 01 November 2020 to 31 October 2021 and award the contract for the supply of LPG for the period of 01 November 2020 to 31 October 2021 to Petredec Ltd as a direct procurement under the Public Procurement (Amendment of the Schedule No. 2) Regulation 2020, at a premium of minus one, thus making a saving of 180 million for large parcel and around 400 million for small parcel.

The first consignment of 6,150 metric tonnes from Petredec Ltd was received on 02 November and a second consignment of 10,000 metric tonnes has been received on 20 November and the next vessel is planned for earlier January 2021.

Mr Uteem: May we know from the hon. Minister whether it is in order for bids to be cancelled and bidders who are disqualified to tender once the bid has been opened and they know the lowest bid?

Mr Sawmynaden: As I mentioned, the mail was received before the tender was opened and this document was submitted to the Attorney General's Office for vetting and the advice was taken.

Mr Uteem: Is the hon. Minister prepared to table a copy of the advice from the State Law Office, saying that the award should be given to Petredec Ltd? Because my information is that it was the contrary, advice taken by the State Law Office...

Mr Sawmynaden: We will seek the advice of the Attorney General Office and there was a regulation which was made for that subject.

Mr Speaker: Next question!

UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION - IMPLEMENTATION

(No. B/947) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to the implementation of the recommendations of the United Nations Committee on the Elimination of Racial Discrimination made on 30 August 2018, he will state where matters stand.

The Minister of Social Integration, Social Security and National Solidarity (Mrs F. Jeewa-Daureeawoo): Mr Speaker, Sir, on 21 September 2018, Cabinet took the decision to set up a Ministerial Committee under my Chairpersonship to look into the concluding observations of the Committee on the Elimination of Racial Discrimination, following the submission of the 23rd periodic report.

The Ministerial Committee has met on six occasions and has examined the 26 recommendations made by the Committee on the Elimination of Racial Discrimination. The Ministerial Committee has finalised its report and it will be presented to Cabinet, which will decide on the way forward.

Mr Uteem: Can I know from the hon. Minister whether consideration has been given to the recommendation of the Committee on the Elimination of Racial Discrimination for the compilation of statistics divided on ethnicity grounds as to education, employment, health, housing and political life of ethnic groups as recommended by the Committee?

Mrs Jeewa-Daureeawoo: Well, as I have said, a Ministerial Committee has been set up. We have taken certain decisions. A report is ready. So, at this stage, it will be difficult for me to give more details. So, I think it will proper to wait for Cabinet decision.

Mr Uteem: According to the concluding observation of the Committee, Mauritius was supposed, within one year, meaning one year from August 2018, to provide the adoption of a recommendation with regard to the use of the status of Créole language to be given the status of a national language. May I know from the hon. Minister whether the State has replied to the Committee within the specified one year delay with respect to this recommendation?

Mrs Jeewa-Daureeawoo: Well, I am of the view that the next combined report 24th and 25th is due in June 2021. So, all the recommendations that have been mentioned in the report will be taken at one go and will be filed in June 2021.

Mr Uteem: Paragraph 42 says - but, let's move to paragraph 27 of the recommendation. Paragraph 27 requires a well-resourced strategy to address the deep-rooted discrimination faced by a specific Community. Has there been any progress on this front?

Mrs Jeewa-Daureeawoo: Mr Speaker, Sir, as I said when I started my intervention, all the recommendations have been looked at closely. So, at this stage, it will not be proper to give more details about the findings of the Ministerial Committee. As I have said, the work

has been done. We have met on several occasions. So, let's wait for the report and for Cabinet to take decisions and then we will be able to share more information.

Mr Speaker: Hon. Members, the following PQs have been withdrawn: B/967 and B/969.

Next question!

MARE CHICOSE LANDFILL STATION - ALLEGED CASES OF FRAUD & MALPRACTICES

(No. B/948) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the investigation into the alleged cases of fraud and malpractices at the Mare Chicose Landfill Station, he will state where matters stand, indicating the actions, if any, taken against the contractor appointed for the operation thereof.

Mr Ramano: M. le président, les deux contrats majeurs en vigueur actuellement au *Mare Chicose landfill* sont -

- (a) *Construction of Cells, operation, maintenance and post closure management at the Mare Chicose Landfill (Cell 6 Contract)* qui a été attribué le 26 septembre 2006. Ce contrat, qui doit expirer le 31 décembre 2020, ne s'occupe actuellement que de la gestion après la fermeture des cellules fermées, c'est-à-dire la surveillance de l'environnement et les travaux de réparations mineurs, et
- (b) *Construction of Cell 7 and Operation and Maintenance of Cells at Mare Chicose Landfill (Cell 7 Contract)*, attribué le 26 décembre 2013 et doit expirer le 31 décembre 2020. Ce contrat implique actuellement des travaux de construction pour créer de l'espace vide, les opérations d'enfouissement et de maintenance dans les cellules actives.

Les contrats de la cellule 6 et de la cellule 7 impliquent le paiement pour le lixiviat, un liquide noir généré par la décomposition des déchets, qui est collecté par des *pipelines*, stocké sur place dans les étangs de lixiviation et finalement transporté à la *Wastewater Management Authority* de Roche Bois *Pumping Station*. La quantité de lixiviat générée dépend fortement du taux pluviométrique, en particulier pour les cellules en activité.

M. le président, en février 2019, à la suite d'informations reçues de tiers faisant allusion à des pratiques frauduleuses menées dans le cadre du projet d'enfouissement de Mare Chicose concernant le *carting away* du lixiviat, mon ministère a mis en place une opération de surveillance pour s'enquérir de la question. L'opération de surveillance a été menée du 25 février au 01 mars 2019 avec la participation de plusieurs officiers du *Solid Waste Management Division* de mon ministère. Sur la base des éléments de preuve recueillis, le rapport a conclu à de forts soupçons de pratiques frauduleuses liées à l'enregistrement de voyages fictifs à la passerelle des pesages pour des paiements indus.

L'affaire a été référée à la police le 5 avril 2019. Actuellement, l'enquête de la police est toujours en cours. Par conséquent, les conclusions sont toujours entendues.

M. le président, entre-temps, à la suite d'une évaluation financière interne du préjudice causé au ministère, une déduction d'environ 8,3 millions de MUR a été effectuée sur le principe de l'avis obtenu le 3 avril 2019 par le *Solicitor General's Office*.

En outre, mon ministère a pris des mesures pour assurer l'intégrité des données sur lesquelles le paiement est basé par le renforcement de la surveillance du processus de pesage et la vérification des quantités par l'intermédiaire du consultant et du personnel du ministère déployé sur place. De plus, des mesures sont prises pour installer indépendamment des caméras pour un meilleur contrôle.

On m'informe qu'après avoir été mis au courant de la pratique présumée frauduleuse, relatif à l'enregistrement de voyages fictifs à la passerelle, l'entrepreneur principal a, depuis mars 2019 –

- (i) remplacé un des sous-traitants affectés au *carting away* du lixiviat et le personnel de la passerelle sur lequel il y avait des soupçons de pratiques frauduleuses, et
- (ii) en deuxième lieu, installé des caméras de vidéosurveillance pour contrôler les opérations de son personnel et des sous-traitants.

M. le président, on m'informe également qu'à la suite d'anomalies observées dans les volumes certifiés du lixiviat sous le contrôle de la cellule 7 pour les mois d'avril et mai 2020 (période de confinement), un audit technique a été effectué par le ministère les 08 et 10 juillet 2020. Deux rapports officiels datés des 17 et 31 juillet ont été produits, officiellement documentés pour d'autres mesures.

Ce deuxième cas de pratique frauduleuse présumée a également été signalé à la police le 27 août 2020 et les conclusions sont toujours attendues.

Parallèlement, un certain nombre de mesures ont été prises par mon ministère, entre autres, la question de l'avis de réclamation de l'employeur pour surpaiement en vertu des contrats et des déductions à la hauteur de 14 millions de MUR provenant de paiements conformes à l'avis du *Solicitor General's Office* mentionné ci-dessus.

M. le président, le 6 décembre 2019, mon ministère a demandé l'avis juridique du *State Law Office* pour savoir s'il y avait lieu d'empêcher l'entrepreneur JV Sotravic Ltée/Eneotech de participer à un futur exercice d'appel d'offres à la lumière des rapports. Le *State Law Office* a avisé en date du 10 février 2020, que le ministère peut faire cette demande à condition que la procédure telle qu'elle est énoncée dans le *Public Procurement (Suspension and Debarment) Regulations 2008* soit suivie. L'affaire a été renvoyée au *PPO* pour action.

Mr Uteem: The fraud could not have been perpetrated without the involvement of the operator and I have listened to hon. Minister, not only was the fraud in 2019 but even in 2020, after the matter has been referred to the police. So, may I know from the hon. Minister how come that, up to now, this operator is still operating Mare Chicose after these two serious cases of fraud?

Mr Ramano: M. le président, je dois dire, que ce soit pour l'allégation pour la première fraude, que ce soit aussi pour l'allégation de la deuxième fraude, dont l'*ICAC* et aussi la force policière ont été dûment notifiées de ces cas-là, suivant les dépositions formelles qui ont été faites par le *Solid Waste Management Division*. Donc, les enquêtes sont toujours en cours. Au niveau du ministère, suivant l'avis qu'il y a eu du *State Law Office*, une correspondance a été effectuée au *Public Procurement Office* et nous attendons à ce que le *PPO* donne son avis additionnel.

Mr Uteem: A report was made by officers from the Ministry of Environment and tabled in this House last year, in the PQ B/838 in September 2019. In this report, staff from Ministry of Environment went and did a physical inspection, they checked the number of lorries coming in and out and they concluded that there is fraud. So, why are we waiting for a police enquiry when the officers from your Ministry themselves have concluded that there is a fraudulent practice, and why keep on with the same operator?

Mr Ramano: Oui, M. le président. Comme je l'ai mentionné dans ma réponse, suivant les *findings* du personnel du *Solid Waste Division*, une déduction a été faite du contrat du contracteur et subséquemment, une correspondance a été faite au *Public Procurement Office*, en ce qui concerne toute la procédure de *debarment*. Nous attendons le retour de correspondance du *Public Procurement Office*.

MUNICIPAL COUNCIL OF CUREPIPE - BANYAN TREE BANK – INVESTMENT

(No. B/949) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the investment of Rs87 m. of funds in the Banyan Tree Bank by the Municipal Council of Curepipe, he will, for the benefit of the House, obtain from the Municipal Council, information as to the –

- (a) date and duration thereof, and
- (b) terms and conditions thereof.

(Vide Reply to PQ No. B/945)

Mr Speaker: Time over!

MOTION

SUSPENSION OF S.O. 10(2)

The Deputy Prime Minister: Mr Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

Mr Seeruttun seconded.

Question put and agreed to.

PUBLIC BILLS

Second Reading

THE CLIMATE CHANGE BILL

(NO. XIV OF 2020)

Order read for resuming adjourned debate on the Climate Change Bill (No. XIV of 2020).

Question again proposed.

Mr Speaker: Hon. Minister Bodha!

(4.38 p.m)

The Minister of Foreign Affairs, Regional Integration and International Trade

(Mr N. Bodha): Mr Speaker, Sir, thank you for giving me the opportunity to say a few words on this extremely important Bill.

A lot has been said in this Assembly and in many Parliaments, because we know that we have had legislations as regards the Climate Change in most developed and developing countries, because the climate change issue has become today one of the most important issues and the most important challenge in the world. We cannot say that climate change is just a statement.

Today, Mr Speaker, Sir, what we need is action, a sense of purpose and we have to show the political willingness, we have to show that the whole nation is behind our action plan. I think that this Bill will harness all the energy that we have in Mauritius which will provide the mechanisms that are needed. It will also provide for the National Committee with political commitment at the highest level, with the Prime Minister being involved himself and, of course, the Minister also being involved at all levels. So, I would like to commend the Minister for bringing the Bill to the House.

I would like to address this Bill from three perspectives. First of all, it will be the political perspective, the second one is going to be the scientific one and the third one is going to be the funding one.

Mr Speaker, Sir, let me speak from the political perspective. We know that in 2015, we had the COP 21 in Paris and there was an agreement at the level of the international community that something has to be done to save the planet because we have only one planet. When I speak from the political perspective, let me say what have been the commitments which have been taken. For example, there are commitments taken by the French Government and then, we had also the withdrawal from this COP 21 Paris Agreement from the American establishment, that is, the President Trump, and this sent a shock to the world because a lot was expected from the United States as regard to how to come up with mitigating measures to save the planet.

Let me take other political measures which have been taken. Let us say, for example, for Brazil, President Bolsonaro decided that we could have the indigenous virgin forest under fire, to allow peasants to be able to grow crops for subsistence farming. And what has

happened, Mr Speaker, Sir, in the last two years? There has been an increase in 50% of the area under fire. We have had also the commitment of New Zealand, for example, for a carbon-free society by 2050. We have had the commitment of China by 2050. Now, these decisions are extremely important and we know the catastrophe that would link with climate change. Let us say, for example, this famous dam which is being built by Ethiopia on the Nile which will have a damaging effect on the livelihoods of families and farmers upstream into Egypt. And today, if we have a war between the Tigray region and the Ethiopian Government, it is also with the involvement of some of the neighbouring States. It is what we said, *c'est la guerre de l'eau, M. le président.*

So, political decision is extremely important and now that the American establishment has decided to come back to the COP 21 Agreement, this is going to be the right decision at the highest level and will help what we can say, what has to be done as regard to an action plan to save the planet.

In Mauritius, we had *les Assises de l'Environnement* which came with a number of recommendations sometime back and the Minister has been wise to address many of the recommendations of the *Assises de l'Environnement*, and today, we can say that we have the political will to save Mauritius because we know how vulnerable Mauritius is.

Now, let me address the issue from the scientific point of view. A lot has been said about climate change degradation, we know all the facts; we know all the effects of unchecked climate degradation. It is an area where research, data and studies are abundant. It is an area where a number of facts are undisputed. It is an area where we know that we only have one planet. We know that thousands of species of flora and fauna are endangered species today. We know that gas emissions are more than acceptable and we know that we need to have an environment, for example, which is conducive to the quality of life on a daily basis. Let us see what happened in New Delhi recently with the fires in Punjab.

So, Mr Speaker, Sir, we know what is happening to the oceans, we know what is happening to the carbon footprint, we know that there is a continental plastic in the South Pole. So, we know the glaciers are melting, icebergs are more treacherous than ever, and we know that the rate at which these matters are deteriorating, if we do not do whatever has to be done, the planet is in danger.

There was an article about Mauritius, Mr Speaker, Sir, where it was said that we have the right protocol as regards preparedness for a cyclone. In fact, it is true. A child knows that

at Class 2, he will be not having class and he will have to have two hours to go back home. We know what happens at Class 3, we know what happens between the two different periods of winds and gusts in a cyclone. So, we are well prepared as regard to the cyclone, but we do not have a culture and a protocol as regard to climate change. I think that one of the interesting things about this Bill is that it will bring climate change as a necessary culture in our daily life and my colleague from the Ministry of Education will see to it that this is being done, because I think that the time is right now for climate change to be part of the curriculum of education, just like we know about cyclones.

So, let us see what is happening to Mauritius, Mr Speaker, Sir. But, before that, let me say, for example, that one of the islands in the Caribbean was completely destroyed in a few hours by one cyclone and we know that cyclones have become more powerful today because of the heating of the oceans and they become more intense and more powerful with gust of 300 km very fast. We have not had a major cyclone in Mauritius for some time. We have been lucky, but we should be dreading the new category of cyclones that we are having.

Let me see what we have had in Mauritius. We never heard about flash floods. We had never heard about flash rains and we know what happened some years back in Mauritius and what happened in Port Louis. So, let us see what is happening in Mauritius. We have coastal erosion. We have the drought. Today, from what I know, the Minister of Energy has reported that our reservoirs are drying at the rate of 3% per week, Mr Speaker, Sir, and if we do not have any rain in the coming weeks, this is going to be a disaster. The boreholes are drying up. Water supply is being affected and we can be a very water stressed island very soon if we do not have rain. And also, we have all the issue about the drainage system; we are spending billions to have a Land Drainage Authority taking care of all that Mauritius needs. So, this Bill is going to, I think, address our preparedness so that we can be able to address the issues of climate change, Mr Speaker, Sir. Because there is one thing, sustainability can only go with responsibility at all levels. This is not a battle that we can win alone, it is not a battle for Government, it is not a battle for the political class but it is the battle of a nation. Mr Speaker, Sir, it is a battle of humanity to be able to save a planet.

There is one issue on the Bill regarding consultations and often we see that there is an antagonism between NGOs and Government, as Government is seen as *un fossoyeur de l'écosystème au détriment de l'économie*. It is a battle often at all times between the NGOs and the Government. Our island is fragile, highly dense, our activities are innumerable; they are diverse. We know today how important sugar is. Today, we realise the multi-functionality

of the sugar canes because we need it. Often, we do not relate the fact that the sugar canes are a guarantee against the pristine lagoons for tourism, Mr Speaker, Sir. So, we cannot have this antagonistic attitude because we have so much to do. We want to be a cyber-island; we want to be a smart island with smart cities. We want to have traditional agriculture; we want to have fishing; we want to have a green economy; we want to have a blue economy. We want to have a steady, sustainable growth, but growth and sustainability cannot go without responsibility and the responsibility is not only that of the Government, of the public sector or the public authorities or the regulators, it is the responsibility at all levels, Mr Speaker, Sir.

If you allow me, Mr Speaker, Sir, I will now address this issue of objectives. Often it has been said that we have not set objectives, we have not set deadlines. A lot of countries have done so, but I am pretty confident that the National Climate Change Mitigation Strategy, the action plans, and the Inter-Ministerial Committee chaired by the Prime Minister with the commitment at the highest level, will come up with deadlines, targets and objectives. For example, France has said that they will not have any diesel car by 30 years. We will also come to all this and I think that with the consultations at all levels, we will be able to come up with targets and objectives so that we can address the issues as they should be addressed, be it education, training, public awareness, public participation and access to information to see to it that generations to come have a better and informed action plan. All these can be provided and the Bill is an instrument for all these, Mr Speaker, Sir.

Mr Speaker, Sir, as I said, we have to work in a consensus manner, because this island is extremely vulnerable - everybody says so. All the reports say so. Our priorities for the success of our blue economy, for our green economy and the quality of life, because we have one of the purest qualities of air in the world, Mr Speaker, Sir, and all this can only be done if there is a consensus. We know that NGOs fight for the preservation of the environment, they feel that they have a mission; they have an ideal to stand up to. On the other side, Government has an enormous responsibility to bring a better standard of living, to create new jobs, to have new economic pillars, to strengthen the Welfare State and to do that, there is a balancing exercise between the ecosystem and the economy.

Another issue which I wanted to address is that of funding. A lot has been said, for example, at the COP 21 in Paris, there were commitments from developed economies and the most polluting industrial economies; there were commitments of billions of dollars. Then, we had also the Commonwealth Climate Change Access Fund which is, in fact, based in Mauritius. We also mentioned about the huge funds that we would need on a yearly basis, 5.5

billion US Dollars to address the mitigation measures of climate change. Africa alone needed 60 billion US Dollars up to 2050. We would be needing huge amount of money to be able to see to it that we have the climate change mitigation measures, but we will have the development process. Now, access to funding, this is very difficult, Mr Speaker, Sir. There are huge difficulties; the funds have been mentioned, but they do not trickle down to those who need it. In 2015, we presented our NDCs (Nationally Determined Contributions). I presented one project about green transports where buses are linked with the light rail so that we have a green transportation system and my colleague, the then Deputy Prime Minister came with another dossier which was the re-engineering of energy, that is, green energy. We did our best; we have presented our NDCS to the COP 21. Well, we have not heard much about this.

As regards the green transport, I remember we had one meeting and five years have gone by and there has been no follow-up. The project is still being processed and is being evaluated from what I have been told, and disbursement is very tedious. For example, we heard about carbon credits; this also has been very scarce. Few countries have been able to access to this funding possibility, but, on the other hand, we need urgent financial assistance to be able to address the whole issue of mitigation measures for climate change. For example, one of those islands which was destroyed by a cyclone in a few hours in the Caribbean, there also they needed billions of dollars to rebuild the economy, Mr Speaker, Sir. So, we need emergency measures, we need funding as soon as possible, as fast as possible and this is not the case often. Luckily, Mr Speaker, Sir, we have been working with the general manager of the Commonwealth Climate Finance Access Fund which is based in Mauritius and I think COVID-19 has been helpful to see that urgent measures are taken. And the Green Climate Fund is now accepting proposals for readiness grants to support the development of green resilient and recovery strategy. The adaptation fund which is based in Mauritius has just launched a funding of 10 Million Dollars to small grants to foster small programmes to see to it that we can have the mitigation measures. So, proposals can be made by February 2021 for these 10 Million Dollars and small projects in Mauritius will be addressed within 60 days, which I think is a very good sign to see to it that, be it in the renewable energy sector, be it in green agriculture, be it in green transportation, the funding is there and the funding is based in Mauritius. I think there is some hope to be able to address the enormous challenges that we have in front of us.

Mr Speaker, Sir, the Bill brings in the mechanism, brings in the process and legislative framework for the National Climate Change Mitigation Strategy and the action plan. As I said earlier, the Inter-Ministerial Council on Climate Change, chaired by the Prime Minister, can set objectives, goals and targets and this will be done as soon as possible. Then, we will have the technical side where we have the funding to do what can be done. The consultation process, as I said earlier, is extremely important because it would be a battle which can only be won together. We cannot win this battle against the NGOs or against the environmentalists or the political class. It can only be won together when we realise that we have a small island, we have enormous pressure; we are one of the most densely populated islands in the world. Our town and country planning is also under huge pressure.

Mr Speaker, Sir, we have to work together. I think the Bill will provide the right political commitment and, hopefully, we will have the funding, and hopefully also we will have everybody working together in a consensus way so that we can say we will have a better planet for our children, for the generations to come.

Thank you, Mr Speaker, Sir.

Mr Speaker: Hon. Leela Devi Dookun-Luchoomun!

(4.58 p.m.)

The Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology (Mrs L. D. Dookun-Luchoomun): Mr Speaker, Sir, allow me at the very start of my speech to congratulate my colleague, hon. Ramano, Minister of Environment, Solid Waste Management and Climate Change, for coming up with this Bill that paves the way for fully living up to our international commitments with regard to what is now viewed as a climate crisis.

I know that, basically, there is unanimity in this House about the climate-related reality that is imposing itself upon the world in general and in Mauritius in particular. We, Mr Speaker, Sir, in Mauritius, keeping in view our oceanic identity, take this challenge extremely seriously. I trust there is universal agreement among all Members of the House, that our environment - lands and seas alike - must be protected, our bio-diversity safeguarded, coastal erosion controlled and all forms of mitigation resorted to with a view to avoiding otherwise definite aggravation. In brief, we should do whatever we can when the situation is still manageable. We should hand over to our children and future generations a world soundly preserved, if not improved.

M. le président, ce projet de loi se présente à un moment déterminant de notre existence. Les différents gouvernements précédents ont, chacun à leur façon, avec les connaissances et les mentalités de leur époque, avec les moyens dont ils disposaient, certes, essayé à leur façon d'améliorer le sort de ce pays qu'ils aimaient, je n'en doute pas. Cependant, ce n'est qu'aujourd'hui que davantage de cohésion dans les politiques, tant au niveau national qu'international semble possible. Et c'est en tenant compte des erreurs du passé que ce gouvernement vient aujourd'hui avec un projet de loi visant à des actions concrètes et harmonieuses.

En effet, il est très significatif que ce projet de loi soit présenté au moment où une crise sans précédent tient le monde à la gorge, révélant la nécessité d'une collaboration, d'actions concertées et ainsi notre interdépendance.

C'est vrai ! Nous, ici, relativement isolés et ayant pris des mesures sanitaires et de confinement au moment voulu, avons été épargnés. Mais loin de baisser la garde, nous sommes très attentifs à tout ce qui se fait de par le monde.

D'ailleurs, M. le président, la gestion du COVID-19 et les mesures prises à Maurice par le Premier ministre et son gouvernement ont été saluées par l'Organisation Mondiale de la Santé.

Et M. le président, tout comme on demeure exposé à ces risques, notre pays étant un État insulaire reste tout aussi exposé aux risques liés au changement climatique.

Notre insularité, l'étendue de notre territoire océanique, la position géographique de Maurice en zone cyclonique l'expose davantage aux risques engendrés par le changement climatique.

Pas plus tard qu'en début de ce mois-ci, la station météorologique de Vacoas indiquait clairement dans ses prévisions climatiques saisonnières que les effets du phénomène La Nina se feraient ressentir durant cet été avec des anomalies dans les températures. Mention est aussi faite d'événements météorologiques inhabituels sous la forme de précipitations fortes, voire torrentielles et d'une intensification rapide des cyclones tropicaux au cours de l'été 2020-2021, et de faire ressortir que nous devons nous attendre à des événements météorologiques extrêmes perturbant l'activité sociale et économique tout comme le bien-être de la population. Ceci, dans un contexte - je ne dois pas vous l'apprendre - déjà particulièrement difficile.

Et face à de telles prévisions qui pour rester sur le sujet donnent froid dans le dos, M. le président, le *Climate Change Bill* vient de manière pragmatique nous apporter la solution aux risques et effets potentiels du changement climatique. Le *Climate Change Bill* vient jeter les jalons pour une politique à long terme pour rendre notre République, notre environnement, notre habitat, notre population résilient aux changements climatiques.

Je disais, il y a un instant, que les différents gouvernements successifs ont chacun essayé de venir de l'avant avec des stratégies visant à mitiger les risques liés au changement climatique. Cependant, personne n'est parvenu à instaurer une politique à long terme, contrairement au gouvernement du jour sous le *Prime Ministership* de l'honorable Pravind Kumar Jugnauth.

M. le président, certains membres de l'Opposition, dans leurs interventions sur le *Climate Change Bill*, ont fait mention de mesures *piecemeal*. Ils font fausse route. Ce projet de loi n'est pas une répétition de l'*Environment Protection Act*, ce projet de loi vient donner le cadre légal pour que nous puissions venir avec des mesures à nous rendre plus résilients. Ce projet de loi nous prépare pour le futur afin de redresser la situation et atteindre nos objectifs.

Je voudrais rappeler à la Chambre ce que le professeur Joël de Rosnay avait, dans un entretien à la presse en mai 2014, fait ressortir. Voilà son constat que je vais citer –

« Le pays est en train de rater le tournant des énergies renouvelables et cela à cause d'intérêts privés et à court terme. Tout s'accélère au niveau mondial et Maurice regarde la comète passer. »

Il va plus loin disant –

« Et ceci malgré le MID !».

M. le président, je voudrais aussi rappeler à la Chambre que c'est sous le gouvernement dirigé par Sir Anerood Jugnauth qui, en 1991, est venu de l'avant avec le *National Environment Fund*. Le *National Environment Fund* fut réactivé en 2018 et n'a cessé depuis de disposer de moyens financiers pour réaliser ses objectifs.

Pour la présente année financière, il dispose d'une somme de plus de 2 milliards de roupies. Et il me revient que ce montant servira, entre autres, à doter notre République d'un plan directeur sur l'environnement pour la prochaine décennie, comprenant notamment :

- la récupération de 200,000 tonnes de déchets pour le recyclage et la production de compost d'ici 2025 ;
- la mise en place du projet *Regional Vulnerability Assessment and Analysis Programme* avec le soutien de la SADC ;
- des travaux sur le littoral pour prévenir l'érosion côtière, un montant de 134 millions de roupies est prévu ;
- l'élaboration d'un indice de la qualité de l'air.

M. le président, ce serait bien de souligner que la République de Maurice a ratifié l'Accord de Paris sur les changements climatiques le 22 avril 2016.

Et conformément aux responsabilités qui y sont attachées, notre pays s'est déjà engagé dans un nombre important de projets.

Nous disposons, entre autres, à cet effet, de l'assistance financière et technique du gouvernement français, de l'Agence Française de Développement, le Programme des Nations Unies pour le développement (le PNUD), et ce serait bien de noter que nous avons franchi les étapes importantes dans la mise en œuvre des engagements pris par Maurice envers la Convention Cadre des Nations Unies sur les Changements Climatiques (CCNUCC) et dans le cadre de l'Accord de Paris. Je fais référence ici à la révision de nos Contributions Déterminées au niveau National (CDN). Cet exercice, qui est en cours, nous permettra d'évaluer le progrès réalisé dans divers secteurs et déterminera les nouveaux engagements de Maurice en terme de réduction de gaz à effet de serre et des mesures d'adaptation pour nous protéger des dangers du changement climatique.

M. le président, Maurice n'émet que 0.01 % de gaz à effet de serre et à travers nos CDN, nous nous sommes engagés à diminuer nos émissions de gaz à effet de serre de 30% d'ici 2030.

M. le président, résilience au changement climatique rime également avec une nouvelle mode de vie qui comprend, entre autres, la réduction de notre dépendance sur les énergies fossiles.

Et le gouvernement, étant avant-gardiste, se donne les moyens nécessaires pour promouvoir les énergies renouvelables. Avec l'objectif national de produire 35% d'électricité des énergies renouvelables d'ici 2025, je voudrais ici faire mention de quelques récentes mesures -

- L'installation de kits scolaires photovoltaïques sur les toits de 10 milles ménages, dont 10% a déjà été réalisée.
- Le programme d'énergie verte.
- L'entrée en opération depuis 2019 d'une ferme solaire photovoltaïque avec 5,900 nouveaux panneaux photovoltaïques.
- La construction prochaine d'une ferme solaire photovoltaïque flottante.

Autant de projets d'envergure, M. le président, sans omettre la précieuse contribution du secteur privé dans le domaine de la production d'énergie éolienne. Vous conviendrez, M. le président, que l'utilisation de l'énergie verte, que ce soit au niveau domestique ou industriel, a progressé de manière significative.

Les mesures prises depuis 2015 portent leurs fruits.

Aujourd'hui, environ 11% de notre production d'énergie au niveau national provient de la bagasse.

Dans cet élan précis, M. le président, vous apprécierez que le cadre réglementaire et institutionnel, par rapport à l'interdiction d'utiliser des sacs en plastique à partir de l'an prochain, ait déjà été revu et renforcé.

En tant qu'un gouvernement responsable, M. le président, on ne peut se permettre de négliger les leçons que nous enseigne la COVID-19. Il nous apprend nos forces et nos faiblesses! La COVID-19 est venue nous dévoiler des défis futurs, tels qu'on ne les imaginait pas auparavant. Et surtout, surtout ceux ayant trait à la réinvention de notre modèle économique et à l'émergence de nouveau secteur porteur en ces temps difficiles.

Le gouvernement ne s'y prend pas de main morte et surtout pas au petit bonheur quand il s'agit de l'avenir du pays dans un moment de crise, le gouvernement vient de l'avant avec des actions concrètes. Chacune de nos actions est dictée par un plan bien réfléchi, cohérent, à long terme et en phase avec les réalités du jour. Notre détermination, M. le président, et nos actions sont claires et bien alignées.

Mr Speaker, Sir, Mauritius, as a Small Island Developing State, has always been on the right side of efforts aimed at adaptation, mitigation and control. But it does not suffice to simply state it and implement the measures: we are also duty-bound to inform on the measures adopted as a response to the different agreements and protocols we are party to.

This is what the main object of this Bill states –

“To implement, with a view to addressing the adverse effects of climate change and developing Mauritius into a greener economy, the obligations of Mauritius under the United Nations Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and any other related instrument on climate change.”

As we can see, we are primarily stressing our reporting obligation under the UNFCCC in the form of a National Inventory Report. Indeed, as a signatory of the Paris Agreement, we have to demonstrate our “nationally determined contributions” (NDCs) and the measures implemented so as to cut down on our emissions.

And these measures have to be built on policy actions and strategies - and this explains why structures need to be put in place, namely, the Inter-Ministerial Council on Climate Change, the Department of Climate Change, the Climate Change Committee, with each having its specific tasks and responsibilities.

M. le président, quant aux interrogations, justement, de certains membres de l’Opposition, je voudrai ici m’appesantir sur l’importance qu’acorde le gouvernement aux attentes de la population, surtout celles de la société civile.

Loin d’être un projet de loi présenté à la va-vite, pour reprendre leurs mots, le *Climate Change Bill* découle d’un travail en amont abattu durant plusieurs mois.

Les Assises de l’Environnement, tenues en décembre 2019, ont été l’occasion de recueillir les points de vue des différents acteurs socio-économiques et des scientifiques et des ONG engagés dans la lutte contre le changement climatique. Ces assises, M. le président, ont été les premières organisées chez nous et ont été à la base d’une réflexion profonde et collective avec toute une diversité d’opinions sur le changement climatique.

Mr Speaker, Sir, the concern about climate change has been gaining traction globally. This Bill gives us all an opportunity as Mauritians and also as citizens of the world to demonstrate our engagement, our commitment to our planet earth.

For too long a time, the world has adopted, nurtured and pursued a skewed one-dimensional focus on economic productivity. The globalised economy has given, as we know, a thrust to the use of fossil fuels.

We are today, - and, hopefully, it is not too late, - realising our responsibility to invest in another balancing facet of engagement - the climate change issue.

And we are comforted that the President-elect of the USA has now expressed his determination to renew the American commitment to the Paris Agreement on climate change. and I have learnt that Mr John Kerry, the Former Secretary of State, has been named as Special Presidential of envoy for climate under Joe Biden's incoming administration. He will be the climate czar. And what is also interesting is that they intend to invest 2 trillion dollars in coming up with plans to drastically cut emissions by generating millions of new jobs in a renewable energy and other climate-friendly activities. So, this is a real change towards a positive stand.

Mr Speaker, Sir, we know that global temperatures have been consistently among the hottest on record. This year may well be the second hottest year for quite some time. And that has most definitely led to the melting of arctic ice and the consequent increase in sea level.

Lest we forget, the world has been witnessing a growing number of weather-related catastrophes, including storms, floods, droughts and tsunamis. The writing is on the wall, and large for the SIDS.

Mr Speaker, Sir, June 1992 is a month we should not forget. That was the time when Small Island Developing States were first recognised as a distinct group of countries at the UN Conference on Environment and Development in Rio, Brazil.

And what was this recognition based on?

It stemmed from the realisation that global warming and rising sea levels, among other challenges, place these countries in the forefront of vulnerability and hence, the necessity for their hazard-facing efforts and capacities to be sustained.

Since that time, events have turned sour. Today, we have a constant recurrence of alternating occurrences like heat waves, periods of drought, sea surges and more and more powerful storms as well as other extreme climatological features like flash floods.

M. le président, parlant de *flash floods*, l'histoire de notre pays retiendra, malheureusement, cette page noire vécue le 30 mars 2013. Ce jour où plus de 150 mm de pluie se déversa sur la capitale en moins de 90 minutes avec un lourd bilan humain.

M. le président, je ne compte pas faire le procès de qui que ce soit, mais le changement climatique, loin d'être un sujet de politique partisane, doit nous interpeller tous

et c'est bien ensemble qu'on parviendra à prendre les mesures qui s'imposent pour nous prémunir contre et prévenir de telles catastrophes.

L'ampleur des effets du changement climatique peut tout aussi bien atteindre d'autres domaines, affectant en chaîne les secteurs clés de notre économie.

Et là, je ferai un pressant appel à tout un chacun, les promoteurs de nouveaux projets, le secteur privé, la société civile et les membres de cette auguste Assemblée à se joindre à cet élan.

Mr Speaker, Sir, I hardly need emphasise the impact on our infrastructure, on the pillars of our economy like the already affected: tourism, agriculture and fishing industries. For the latter, especially, predictions point to be further plummeting the fish catch with the acidification of the oceans.

Mr Speaker, we, in Mauritius, cannot pretend not to see facts. We have witnessed an average increase of 1.2 degree Celsius - which is higher than the global average of 1.1. Paradoxically, even though we have witnessed instances of flash floods and torrential rains, average rainfall has been on the decline over the last 50 years. Again, while the global rise of sea level stands at 3,2 mm per year, for Mauritius and Rodrigues, it is 5,6 and 9 mm per year respectively.

The facts, I repeat, Mr Speaker, Sir, speak for themselves, but allow me to provide a few more.

Our vulnerability to climate change is high. We are number 13 on the list of countries most vulnerable to the effects of climate change. On the other hand, the havoc caused by climate change always comes with a price tag - thus, for floods, it is estimated at USD 27,2 million, Cyclones \$ 112 million and an intensive cyclone, 1.9 billion dollars.

Mr Speaker, Sir, these are evidence-based data that are portentous. They should be a wakeup call for us all, and all hands need to be called on deck. Reversing the trend or, at the very least, stemming the tide of environmental catastrophe should be among our *missions premières*. And this particular mission, the notion of environmental consciousness must find its right place in the DNA of every Mauritian citizen and that should be done right from an early stage.

Hon. Bodha is right when he says that we shall have an important role to play. The adage "catch them young" holds good all the time. We all know how crucial it is to educate

young children and the youth about concerns related to climate change and the environment that is directly correlated to it. The family and schools, we all realised, are the best places to have an early influence so that in turn, learners can be our conduit, our mouthpiece vis-à-vis the adults in the family and the community. This explains our reliance on sensitisation and other activities on environment.

Mr Speaker, Sir, I won't be long. There are almost 30 such activities in schools which are carried out in partnership with other Ministries: the Ministry of Environment, the Ministry of Energy, but also with a number of organisations, NGOs and civil society organisations. Among these, we have Reef Conservation Programmes, ECO-Schools, Young Reporters for the Environment Programme, *l'Association pour le Développement Durable* with regard to the importance of mangroves and a number of others. We should not forget the support extended by the UNDP and the UNESCO.

Mr Speaker, Sir, COVID-19 has temporarily put on hold the Climate Change Education Programme that UNESCO was to run this year in collaboration with my Ministry and the Institution of Engineers. The objective of the programme is to provide teacher training and tools which can be deployed in schools for climate change education and awareness.

Mr Speaker, Sir, the concern for redressing the situation before it gets out of hand, encompasses many players. This is because the issue is a multidimensional, cross-sectoral and we need to have all on board for something worthwhile to emerge from our collective effort.

Mr Speaker, Sir, the policies put by Government, the emphasis laid on awareness and sensitisation campaigns, the programmes for afforestation, mangrove planting, the policy on hybrid cars, on plastic bags, all these are measures that we are taking to ensure that our seas and oceans do not get to be transformed into landfills.

Let me conclude, Mr Speaker, Sir, by reasserting that we need to be more compassionate vis-à-vis mother nature, our '*Mama-Later*' - who may otherwise, and in due time, have no compassion for us. Mauritius has been seen through the last few decades as a land of promise. Of course, we, as a nation, are not without our flaws and weaknesses, but, at least, our recognition of these is instrumental in our endeavours to right the wrongs. And this is precisely what we are doing with this Climate Change Bill.

M. le président, ce projet de loi vient désormais nous doter d'une panoplie d'outils pouvant nous protéger des effets du changement climatique tout en tenant en ligne de compte que certains aspects sont moins prévisibles que d'autres. Il vient combler une importante lacune dans notre démarche à mieux protéger notre population, notre environnement et notre économie.

Je ne peux me passer outre du dynamisme qu'il est capable d'apporter, tant en ce qu'il s'agit de l'utilisation des énergies renouvelables que dans la conscientisation de notre population ilienne. Nous avons déjà franchi l'étape de la discussion et, M. le président, toute tergiversation est mortifère. L'heure est à l'action, l'action collective, dans le cadre de cette nouvelle marge de manœuvre dont notre pays à nous tous a besoin pour sa prospérité et si ce n'est pour sa survie.

M. le président, permettez-moi une nouvelle fois, de remercier l'honorable Ramano pour la présentation de ce projet de loi et pour tous ses efforts depuis la tenue des Assises de l'Environnement.

Je vous remercie.

Mr Speaker: Hon. Prime Minister!

(5.23 p.m.)

The Prime Minister: Mr Speaker, Sir, I shall also start by congratulating the Minister of Environment, Solid Waste Management and Climate Change on bringing this important and crucial Bill to the House. The Bill will support all the efforts that this Government has been making in recent years to address the inexorable and pervasive impact of climate change.

Indeed, its influence on lives, livelihood and human kind itself could be disastrous if the world were to choose the path of complacency. Mankind has not only every reason to be anxious but also, and above all, it must take effective actions to counter the negative impact of climate change.

Only last year, some 150 scientists and researchers produced a United Nations report wherein it is estimated that nearly 13 per cent of all plant and animal species, that is, around one million species, are at risk of extinction due to the effects of climate change.

The latest report of the World Meteorological Organisation shows that the 5-year period 2016-2020 was the warmest on record with an average global mean surface

temperature of 1.1 degrees Celsius above pre-industrial era. These negative impacts would translate into rising food prices, lower supply and availability of food, loss of certain key economic activities and industries and, therefore, obviously and inevitably to rising unemployment. There would be similar negative impact on human health and life generally on our planet. Indeed, according to the World Bank, the climate change triggers wide disruptions for both households and firms and would cost at least USD 390 billion a year.

Climate change is a challenge. The harshness, depth, reach, and enormity of which the world has yet to grasp. The consequences are diverse and difficult to predict. However, the urgency to deal with them is quite manifest.

In this context, I also eagerly welcome the decision of the President-elect of the United States of America, Mr Joe Biden, to re-join the Paris Agreement. I also take note of the very determined stance of the President-elect to treat the climate crisis as an urgent national security issue. This decision to re-join the Paris Agreement brings a new hope to our global ambitions to reduce greenhouse gas emissions in order to avoid disastrous climatic disturbances. I am sure it will enhance international cooperation on climate change and reinforce the shared understanding of the threats and the way we address them through the multilateral system. This, in fact, brings renewed hope as the world leaders meet for the COP26 Conference in Glasgow in November next year.

Mr Speaker, Sir, in our own country, we have been seeing new climatic phenomena such as flash floods and we know very well how they are affecting the quality of life, our own infrastructure, and the country's agriculture and overall productivity. Beach erosion, coral bleaching and rising sea level are other new challenging realities of the impact of climate change that we are already having to address.

Mr Speaker, Sir, when we look at the key indicators for Mauritius, the situation is indeed alarming. In 2019, the total greenhouse gas emissions for Mauritius amounted to some 5,777 Gigatonnes carbon dioxide equivalent, contributing to 0.01 per cent of global greenhouse gas emissions. Climate change has also caused a warming of the planet, but its impact on a small island like ours is even higher. The rise in temperature in Mauritius has been slightly higher than the global temperature increase of 1.1 degree Celsius; and, at the same time, causing the sea level to rise, over the last decade, by an average of 5.6 millimetres annually, as compared to the global average of 3.3 millimetres. Annual rainfall has also been on a decreasing trend since the 1950s, with an average fall of 8 per cent annually.

The forecasts are also bleak. According to the United Nations report ‘SIDS in Numbers 2017’, Mauritius is projected to become a water stressed country by 2025 and its agricultural production may decline by as much as 30 per cent by 2050. Utilizable water may decrease by 13 per cent by 2050 and sea level rise may reach 1 meter by the year 2100.

Mr Speaker, Sir, these figures remind us that the effects of climate change are being felt today itself. There are many other such new realities that we shall have to deal with and we have to do so proactively.

Indeed, as a Small Island Developing State, Mauritius, more than ever, is prone to the effects of climate change. Securing a sustainable climate future is not just an urgency; our existence itself depends on it.

Dealing with the current impact and preparing to face the future impact of climate change and to be more resilient are the very essence of this Bill.

As I have just said, the Bill is not a starting point in our commitment to address the challenge of climate change. It will immensely add and support our continuing efforts. Let me here remind the honourable Member who has been talking of “*création de vague structure et d’absence de* policy brief” that since 2015, increasing priority has been given to the protection of the environment and, in particular, to the impact of climate change in our development agenda. Every Budget presented by Government has focused on the three priorities of economic growth, inclusiveness and sustainable development. The Government Programme that was presented in January 2020 was centred on an Inclusive, High Income and Green Mauritius. This Government is indeed planning for the well-being not only for present generations but for future generations as well.

In fact, the presentation of the Climate Change Bill today is yet another initiative mentioned in our Government Programme as we are starkly aware that climate change is not just an environmental issue – it has deep consequences and impacts on the socio-economic development of our country.

Mr Speaker, Sir, there is a long list of measures and policies that our Government has taken to address this challenge. I need not go into them as many of the speakers before me have already mentioned them.

I should, however, remind the House that, in 2018, I took the decision to revive the National Environment Commission. It will be recalled that, at the twenty-first meeting of that Commission that was held on 03 May 2018, discussions were centred on the need for the

implementation of priority capital projects across the island to address the risks caused by climate change. It was also made obvious that the mobilisation of funding at both national and international levels was indispensable for Mauritius as a Small Island Developing State to cope with the adaptation and mitigation challenges imposed by climate change. Subsequently, on 11 May 2018, Government agreed that the then National Environment Fund would be revamped through the enlargement of its membership and objects.

An initial amount of Rs2 billion was transferred from the Consolidated Fund to the National Environment Fund for implementation of various priority capital projects to address adverse effects of climate change. This year, another Rs2.1 billion have been injected in that fund.

Let me also emphasise that for the period 2015 to June 2020, some Rs11 billion have been spent on projects and policies to protect the environment, including measures addressing the impact of climate change.

To the same end, Rs3.4 billion have been allocated in the recent 2020-2021 Budget.

These bear out the tremendous efforts that this Government has been making to address this challenge which we have always placed at the top of our development priorities.

In fact, a United Nations Partnership for Action on Green Economy study on Tracking of Public Sector Environment Expenditure relating to environment, climate change, mitigation and adaptation which was carried out for Financial Year 2017/2018 in Mauritius has revealed that the Planned Expenditure of Government on environment related projects represented some 7.0 per cent of total Government expenditure and 2.16 per cent of GDP, and is within the range of 1.4 per cent to 2.5 per cent of GDP as recommended by the World Bank, for developing countries.

These figures include expenditures on sustainable waste management, land drainage infrastructure, land slide projects, flood related measures, beach rehabilitation and coastal protection works, renewable energy, energy efficiency, and protection of Bio-diversity, amongst others.

Since 2015 to date, Government has mobilised some Rs2 billion of grant funding from various partners to address the issue of climate change, namely from the United Nations Environment Programme, the United Nations Development Programme, the Green Climate Fund, the European Union, the Global Environment Facility, the *Agence Française de*

Développement, amongst others, for financing a number of projects that are related to climate change.

Mr Speaker, Sir, Government is relentlessly taking measures to ensure a clean and green environment.

For example, Mauritius has set the target to reduce greenhouse gas emissions from 5.6 million metric tons in 2017 to 4.9 million metric tons by 2030.

Government has also targeted that, at least, 35% of the electricity generation would come from clean, local renewable energy sources by 2025. Metro Express Limited is envisaging to invest in its own solar energy plant to cater for its entire electricity needs. That will increase the percentage of renewable energy from solar plants to over the targeted 35%.

New programmes are being implemented annually to protect the environment and mitigate the impact of climate change. Only a few months ago, we have announced in the 2020/2021 Budget several measures. Let me remind the House of some of them –

- introduction of the Air Quality Index to enable the monitoring of the quality of air in Mauritius;
- construction of drains and flood management infrastructure;
- rehabilitation and protection of coastal sites;
- introduction of schemes to encourage the use of renewable energy:
 - a Medium-Scale Distributed Generation Scheme for a maximum of 10 Megawatts, to enable beneficiaries to produce electricity for their own consumption and sell the excess to CEB, and
 - installation of 25 Megawatts of rooftop solar Photovoltaic panels to cater for public and residential buildings;
- development of circular economy;
- encouraging the recycling of waste tyres by, among others, extending the refund mechanism for exporters and recyclers of waste tyres to local retreading of tyres;
- all recycling activities have been classified as a manufacturing activity and are, therefore, benefitting from the various fiscal and other incentive schemes;
- three new endemic forests will be created and existing ones restored;
- public infrastructure will be improved for better protection against natural disasters such as cyclones and floods, and

- private sector participation is also being facilitated in recycling of waste. Moreover, reuse, re-cycling and greening of value chains in enterprises operating in the agricultural, manufacturing and tourism sectors are being promoted to improve their environmental and socio-economic performance.

Mr Speaker, Sir, in December last, I opened the “*Assises de l’Environnement*” with the aim to accelerate an ecological transition to a cleaner, greener, sustainable, low emission and climate resilient country. I am informed that a 2020-2030 Master Plan for the Environment is being prepared by the Ministry of Environment.

I have also initiated the process for the setting up of a National Youth Environment Council under my Office which would act as a platform for the youth to engage with policymakers on environment-related policies, strategies and action plans. To this end, my Office has launched a call for proposal to relevant NGOs who would wish to form part of the Council, and our aim is to put our youth at the centre of this challenge, which is climate change.

Our efforts are starting to bear its fruit, though we are well aware that alone, we shall not be able to address the effects of climate change on our country. Between 2018 and 2020, Mauritius has moved from the 16th to the 53rd country with the highest disaster risk worldwide, according to the World Risk Report. However, the country is still highly exposed to natural hazards.

Mr Speaker, Sir, let me briefly comment on the contents of the Bill. The forthcoming Climate Change Act is a sequel of four preceding climate-related laws, namely, the National Disaster Risk Reduction and Management Act 2016; the Land Drainage Authority Act 2017; the Local Government (Amendment) Act 2018; and the Mauritius Meteorological Services Act 2019. It is indeed this Government which has done the most to tackle the impact of climate change. The Climate Change Bill will seek to harmonise the existing legal framework.

Through this Bill, national action plans and strategies will be developed for climate change adaptation and mitigation in various sectors, be it agriculture, port, marine environment, tourism, fisheries, energy, transport, waste management and disposal, amongst others.

With the implementation of our climate change strategy, Ministries and private enterprises alike will be called upon to take into account climate change in their policies,

strategies, and action plans as well as monitor and review the implementation of the adaptation and mitigation measures.

The setting up of the Inter-Ministerial Council on Climate Change is in line with the Government Programme 2020-2024.

The fact that this Council is one which is chaired by myself, as Prime Minister, shows the commitment of this Government on issues related to climate change and environment protection. The Council will monitor and review progress on the implementation of mitigation measures, mainly from, *inter alia*, the energy, transport and waste sectors as well as adaptation measures, namely disaster risk reduction in accordance with per agreed national strategies and action plans and in thematic sectors such as water, agriculture, fisheries, and biodiversity.

As part of the strategy for mitigating climate change, a new Department of Climate Change will also be set up, which will, *inter alia*, develop policies, programmes, and action plans relating to climate change, and coordinating research relating to climate change.

Mr Speaker, Sir, let me say a few words in reply to the hon. Leader of the Opposition who seems to think that this Bill is unimportant and just a copy of the Environment Protection Act.

I think the hon. Leader of the Opposition fails to understand that climate change is much larger a subject than issues of environment.

The superficiality of the intervention of some Members, on the other side of the House, with no concrete, no tangible, no pertinent contributions, once again demonstrates that even on a burning subject like Climate Change, they are unable to refrain from playing cheap politics.

One would have expected that on such a subject which cuts across barriers of partisan manoeuvrings, we shall all roll up our sleeves for a united front in the face of adverse climatic changes.

Hon. Ms Joanna Bérenger said our aspiration for a green economy is a joke.

For the MMM, anything somebody else does is a joke!

This new piece of legislation which is before the House today is precisely about greening the economy and reversing the rising carbon emission trends in a comprehensive

manner without, of course, risking economic growth, job creation and social justice to which we are strongly committed.

Climate change is not a new phenomenon. Hon. Ms Joanna Bérenger herself said that the warming we are going through today has started at least 20 years ago.

How many Governments have come and gone in the past 20 years, and yet it is this Government which is coming up with such a bold piece of legislation.

This Bill, Mr Speaker, Sir, translates this Government's political will and vision to address climate change head-on and build a safer country for our citizens and our future generations to live in. No Government has ever dared this before. Perhaps, maybe, some lobbies and vested interests were too strong to resist.

But, on this side of the House, we take bold steps in the best interests of the population, whether it is for protecting the health of our people, as we are doing in the COVID-19 pandemic, or for preserving our natural wealth.

Mr Speaker, Sir, we cannot fight environmental calamities, which are becoming increasingly severe and disastrous, with outdated tools. For a law of this magnitude and scope to be effective, we need robust and resourceful institutions which can approach the problem in a holistic way and in line with international best practices.

Here, I must say I am quite disappointed to see most Members from the other side criticising the setting-up of the Department for Climate Change and imputing all kinds of sinister motives to it. We know that many people on the other side have become experts in mudslinging – we have seen that. We have been seeing that regularly. But it looks like they have gone a step further and now they are throwing mud at an institution which is yet to be set up.

Hon. Dr. Gungaparsad even asked: "Who is the future lucky person who is happily waiting in the corridors to be nominated as the Director of Climate Change?"

I think since they lost the last General Elections a year ago, the Labour Party and its new allies have embarked on a campaign to discredit all our institutions, including the vital democratic institutions like the Electoral Commission. On this count, I must say, they are very consistent.

Let me reassure the House that this is not just another agency or another layer of red-tape, as many on the Opposition bench are claiming. The Department for Climate Change is,

in fact, a critical institution which will drive and coordinate the nation-wide resilience-building in the face of ever-increasing environment risks of all kinds.

J'espère que l'Opposition va se ressaisir rapidement, car il y va de l'intérêt des générations futures.

Before I conclude, let me once again stress that it was an urgency for our Small Island State to legislate for a climate change strategy in the best interests of our generation and of generations to follow. As former President Barack Obama rightly put it, the contours of this century will be defined by the threat of climate change. So, we need to act and we need to act today.

Thank you.

Mr Speaker: Hon. Members, I suspend the sitting for 30 minutes.

At 5.52 p.m., the sitting was suspended.

On resuming at 6.30 p.m. with Mr Speaker in the Chair.

Mr Speaker: Please, be seated!

Hon. Minister Ramano!

Mr Ramano: M. le président, je tiens, en premier lieu, à remercier l'honorable Premier ministre pour son soutien indéfectible dans l'élaboration de ce *Climate Change Bill*. Je remercie aussi mes collègues et amis de la majorité parlementaire et aussi les parlementaires de l'opposition pour avoir contribué de manière qualitative aux débats sur ce *Climate Change Bill*.

J'accueille également les commentaires/critiques qui ont été émis par les membres se trouvant de l'autre côté de la Chambre, car cela fait partie des règles du jeu d'une démocratie vivante. Cependant, permettez-moi de souligner que certaines de ces critiques étaient parfois empreintes d'inexactitudes. Je crois que certains honorables membres de l'opposition n'ont probablement pas été assez attentifs à la présentation de ce projet de loi en deuxième lecture et ainsi n'ont pas forcément saisi certains points saillants de ce projet de loi. Malheureusement, je constate que dans certains cas le jeu politique l'a emporté sur l'objectivité, même si j'aurais cru qu'un sujet aussi pertinent pour notre pays et pour le monde aurait généré plus de consensus.

Le changement climatique, M. le président, permettez-moi de le rappeler à la Chambre, est en train de mettre en péril l'existence même de l'humanité et doit, je pense, rester au-delà du clivage politique. Mais quelque part cela confirme bien l'adage que « la critique est facile mais l'œuvre est difficile ».

Mais pour nous, de ce côté de la Chambre, nous avons le courage de nos responsabilités et nous serons à la hauteur de nos engagements et de nos ambitions. Nous allons nous atteler à atteindre les objectifs que nous nous sommes fixés afin de répondre aux attentes du peuple mauricien qui nous a accordés leur confiance. M. le président, le nombre d'intervenants pour débattre sur ce projet de loi démontre bien l'importance du sujet. Je pense qu'on peut unanimement s'accorder sur le fait que le changement climatique est la problématique majeure de notre époque. Il a toujours suscité des débats passionnants et passionnés, car il touche tous les aspects de nos vies et de notre société.

Ce projet de loi annonce une nouvelle étape dans l'ambition de ce gouvernement pour construire une Ile Maurice résiliente et qui soit à l'épreuve de la menace climatique, que ce soit en termes de conditions climatiques extrêmes ou à évolutions lentes. Nous voulons privilégier toutes les solutions disponibles, notamment les '*Nature-based solutions*'. Notre pays est également résolument tourné vers la transition énergétique car nous sommes déterminés à devenir une économie à faible émission de carbone.

Ce projet de loi démontre la détermination de ce gouvernement pour veiller au bien-être de nos concitoyens, à la protection de nos infrastructures et à la bonne marche de tous nos secteurs socio-économiques, car le changement climatique est en train de menacer tout cet équilibre.

Je veux aussi clairement souligner que le changement climatique ne peut être vaincu à coup d'une baguette magique, tout comme Rome n'a pas été construite en un jour, car c'est avec de la persévérance que l'on réalise les plus grandes œuvres. Le changement climatique requiert une approche progressive, inclusive, intégrée, systémique et systématique, car c'est une problématique globale, multisectorielle, et j'insiste là-dessus, M. le président, transversale. Il touche tous les pays, tous les secteurs socio-économiques et toutes les composantes de la société. En tant que petit état insulaire en développement, nous sommes amenés à gérer une situation dont nous ne sommes pas vraiment responsables. Cependant, nous sommes déterminés à être solidaires et à contribuer à l'effort global pour faire face à ce

défi. Nous voulons aussi devenir un modèle pour les petits états insulaires et nous donner les moyens pour devenir '*climate change ready*'.

M. le président, la gestion du changement climatique nécessite des décisions courageuses et des actions tangibles. C'est justement ce que nous sommes en train de faire. Ce projet de loi dessine les contours d'une structure institutionnelle et législative, solide et cohérente pour permettre une gestion holistique et transversale de cette problématique. Je peux l'affirmer, toutes les parties concernées, incluant les secteurs publics et privés, les ONG, le monde associatif et la société civile ont été impliquées dans l'élaboration de ce projet de loi et ils seront également pleinement impliqués à tous les niveaux dans la mise en œuvre. La structure institutionnelle que nous proposons permettra de mettre en place des stratégies et des plans d'actions qui pourront accompagner les investissements massifs que le gouvernement est en train de consentir chaque année, malgré la situation économique difficile. Nous allons, grâce à cette loi, renforcer notre résilience aux impacts du changement climatique et évoluer vers une économie verte.

Je voudrais sincèrement vous rappeler que ce gouvernement a fait beaucoup plus, et en moins de temps que lorsque certains membres, qui se trouvent de l'autre côté de la Chambre, étaient aux commandes du pays.

M. le président, permettez-moi de répondre à certains commentaires et critiques qui ont été faits à l'égard de ce projet de loi. Nous avons pu entendre le leader de l'opposition, ainsi que d'autres membres de l'opposition, traiter ce projet de loi de '*copycat*' de '*l'Environment Protection Act*'. J'ai l'impression que le leader de l'opposition n'a pas bien compris la teneur de ce projet de loi, ou encore, qu'il est beaucoup plus préoccupé à régler ses comptes politiques - surtout ses problèmes politiques dans la circonscription No. 18. J'ai bien souligné que nous nous sommes basés sur ce qui se fait de mieux en matière de législations à travers le monde et la tendance est d'avoir un cadre légal spécifique sur le changement climatique. Nous avons pris comme exemple les '*best international practices*', c'est-à-dire, les législations des pays tels que le Royaume Uni, la Nouvelle Zélande, l'Inde, le Kenya, ou encore les Iles de Vanuatu et Tuvalu, entre autres.

Il faut concevoir que la structure de toute cette panoplie de législations se ressemble dans la forme car nous ne pouvons pas à chaque fois réinventer la roue. Cependant, il fallait aller au fond des choses plutôt que de reprendre les mêmes rengaines de certains pseudos experts autodidactes. Permettez-moi de clarifier ceci, M. le président, l'*Environment*

Protection Act parle de ‘*Environment Impact Assessment*’; l’*Environment Protection Act* parle de ‘*Integrated Coastal Zone Management*’, de ‘*National Environmental Standards*’, entre autres. Les mêmes thématiques ne sont pas incluses dans le *Climate Change Bill*. D’autre part, est-ce que la formulation des stratégies d’adaptation et d’atténuation ainsi que la préparation d’inventaire des émissions de gaz à effet de serre sont mentionnées sous l’*EPA*? M. le président, je crois que le leader de l’opposition doit être plus pragmatique. Au lieu de sombrer dans les généralités dont il excelle, il gagnerait sans doute à s’inspirer de son voisin, le leader du MMM qui nous a gratifiés d’un discours responsable avec des interrogations légitimes.

Par ailleurs, la ‘*National Environment Commission*’, sous la section 5 de l’*EPA*, qui est présidée par le Premier ministre couvre un nombre conséquent de secteurs, allant de la pollution, les normes environnementales pour l’eau, l’air et les déchets, ainsi que la gestion des zones côtières, entre autres. Mais comme je l’ai archi répété, M. le président, le changement climatique est en elle-même une problématique complexe et multisectorielle. Les actions et les interactions entre parties prenantes sont spécifiques et nécessitent une plateforme de discussion de haut niveau bien distinct. Cette problématique ne pourra pas être couverte de manière élaborée par la *National Environment Commission* et risque d’être dilué par une multitude de problématiques environnementales qui sont déjà à l’agenda.

Je voudrais ici faire une parenthèse et vous rappeler que la *National Environment Commission* a été mentionnée par bon nombre des membres de l’opposition. La *National Environment Commission*, tenez-vous bien, honorables membres, ne s’était pas réunie pendant plus de 13 ans, sous le gouvernement Travailliste. C’est seulement en mai 2018 que ce mécanisme de coordination interministérielle avait été réactivé sous ce gouvernement. Imaginez-vous, M. le président, durant 2 mandats, le gouvernement précédent avait complètement ignoré le fonctionnement d’une instance qui se veut être une plateforme de synergies entre tous les secteurs pour gérer les problématiques environnementales majeures et maintenant on veut nous faire la leçon. La mémoire sélective du Leader de l’Opposition est préoccupante, M. le président.

M. le président, en réalité, ce projet de loi nous apporte une flexibilité pour créer un espace au plus haut niveau dédié spécifiquement à la question du changement climatique. L’*Inter-Ministerial Council on Climate Change* qui sera présidé par le Premier ministre aura comme tâche principale de fixer des objectifs nationaux chiffrés, notamment en termes de la réduction des émissions de gaz à effet de serre. Cette instance pourra élaborer des politiques

sur le changement climatique et fixer des priorités pour tous les secteurs. Il n'y a ainsi aucune duplication entre les fonctions de la *National Environment Commission* et l'*Inter-Ministerial Council on Climate Change*, malgré ce que certains commentaires mal intentionnés veulent nous faire croire.

M. le président, le comité sur le changement climatique sera également un outil primordial. Cette entité sera importante pour notamment mener à bien la mise en œuvre des projets, pour mobiliser les ressources techniques et financières, pour la préparation des rapports climat, pour coordonner la recherche et pour formuler les lignes directrices pour les évaluations de la vulnérabilité, en lien avec les dernières observations scientifiques. Elle permettra la coordination entre les parties prenantes pour amener des actions concrètes pour le changement climatique. Cela n'a rien à voir avec les provisions déjà existantes sous l'*Environment Protection Act*.

M. le président, parmi les critiques, nous avons aussi entendu que le département du changement climatique existe déjà. Malheureusement, cette information est erronée. A ce jour, le département de l'environnement possède simplement une division du changement climatique. Pour pouvoir gérer cette problématique multisectorielle efficacement, il nous faudra toute une logistique en termes de ressources humaines et de connaissances techniques les plus actualisées. Nous aurons, par exemple, besoin d'expertise en matière de modélisation ou pour soutenir des études de vulnérabilité. La mise en place d'un département dédié au changement climatique permettra justement de bâtir les capacités institutionnelles, humaines, et techniques pour gérer cette question.

M. le président, en ce qui concerne les commentaires à l'effet que ce projet de loi a pris du retard, je voudrais inviter certains honorables membres à réécouter la deuxième lecture. Ce projet de loi est la suite d'une série de 4 lois qui ont été promulguées depuis 2015. Ces lois étaient beaucoup plus urgentes car elles étaient impliquées dans l'aspect pratique de la gestion des impacts du changement climatique, telles que les inondations et les catastrophes naturelles. Ainsi, nous avons dû attendre pour que cette loi cadre puisse faire la synergie avec les lois précédentes et être placée dans le contexte approprié.

Mais par contre, laissez-moi vous rappeler quelque chose honorables membres. Les premiers balbutiements de ce projet de loi ont débuté depuis 2012 sous l'ancien gouvernement. Les services du docteur Winston McCalla, un expert juridique de haut niveau de la Jamaïque, avaient été retenus à l'époque. Donc, on peut aussi se poser la question.

Pourquoi rien n'a été fait depuis 2012? Je laisse le soin de cette réflexion à certains honorables membres qui se trouvent de l'autre côté de la Chambre.

M. le président, certains commentaires ont fait état d'un manque d'objectifs chiffrés dans ce projet de loi. Permettez-moi de clarifier certaines choses. Nous ne pouvons pas lâcher des chiffres, ici et là, juste pour plaire à tout le monde.

Nos objectifs chiffrés en matière de réduction de gaz à effet de serre sont déjà soulignés dans notre contribution déterminée au niveau national (CDN), qui est d'ailleurs de 30% d'ici 2030. Cependant conformément à l'article 4 de l'Accord de Paris, chaque pays membre de la Convention sur le changement climatique, doit communiquer de nouveaux objectifs chaque cinq années. Vous conviendrez qu'il n'est pas pratique d'amender nos lois chaque fois qu'il y aura un changement dans nos chiffres. Le changement climatique est un secteur dynamique, des évolutions auront lieu continuellement en matière de technologies, de besoin en capacités et surtout par rapport au financement climat mondial qui sera capital pour déterminer nos objectifs chiffrés.

Ce projet de loi, justement, permettra de déterminer nos capacités et nos manquements en termes de technologie, de capacités humaines et d'expertise, et aussi bien en financement climat. Il nous donne les moyens et les outils pour déterminer des objectifs chiffrés. Il nous faut avancer de manière ordonnée. Nous ne pouvons pas mettre la charrue avant les bœufs.

M. le président, plusieurs intervenants se sont référés aux actions qui ont été entreprises par le collectif AKNL. Laissez-moi vous dire quelques mots sur le sujet. Nous sommes dans une démocratie. Chaque personne a le droit d'exprimer ses opinions. Objectez à certaines décisions à travers la voie juridique est tout à fait normale et acceptable. Mais quand on interpelle les bailleurs et les agences internationales pour leur demander de ne plus soutenir notre pays pour implémenter des projets capitaux liés à la protection de l'environnement, je dois dire que là on a franchi un cap, qui équivaut à un acte antipatriotique. Si nous sommes patriotes et portons vraiment à cœur le bien être de notre pays, nous ne pouvons pas utiliser de telles tactiques. De telles actions sont préjudiciables pour notre pays, M. le président.

Il est dommage que le Leader de l'Opposition, qui est de surcroit un ancien ministre des Affaires Etrangères, et certains membres de l'Opposition puissent soutenir et prendre position en faveur d'un tel coup bas. Je vous rappelle que la compétition pour accéder au

financement climat est féroce et les fonds sont limités. Comment voulez-vous que notre pays avance, si certaines personnes œuvrent contraire à nos intérêts ?

Pour rappel, une équipe d'experts du *Social and Environmental Compliance Unit* de la PNUD était venue enquêter sur ces allégations en juillet 2019. Ils ont d'ailleurs publié leur rapport d'investigation le 30 octobre dernier. L'une de leurs recommandations est que le bureau local de la PNUD travaille en étroite collaboration avec le gouvernement et d'autres parties prenantes pour permettre la finalisation des législations importantes pour la protection de la biodiversité à Maurice, à savoir le *Wetland Bill* et l'*Environmentally Sensitive Areas Bill*. Je voudrais souligner, M. le président, tout comme ce projet de loi sur le changement climatique, nous viendrons également au moment opportun avec les cadres législatifs appropriés pour soutenir la protection de notre biodiversité, car nous sommes de ceux qui sont déterminés à joindre le geste à la parole.

Par ailleurs, pour encore une fois illustrer la mauvaise foi de certains membres de l'Opposition, référence avait été faite à l'effet que mon ministère avait récemment émis une licence *EIA* pour permettre le développement d'un projet hôtelier sur un *wetland* situé à Les Salines. Je peux l'affirmer, M. le président, ce projet en question ne se trouve pas dans un *wetland*. Des conditions très strictes ont d'ailleurs été incluses dans la licence qui a été délivrée notamment à cause de la proximité d'une zone de *mangroves*. La situation, en réalité, n'a rien à voir avec les informations fausses et perfides qui ont été relayées, dans la presse et dans cet hémicycle.

M. le président, à juste titre, je voudrais dire quelques mots sur les *Environmentally Sensitive Areas*. Il est indéniable que, comme partout dans le monde, le développement économique a accru des pressions sur les ressources naturelles. En tant que Petit État Insulaire en Développement, avec un écosystème fragile et des ressources limitées, le gouvernement a placé la protection de l'environnement et le développement durable au rang des priorités. D'ailleurs, les mécanismes de l'*Environment Impact Assessment* et le *Preliminary Environmental Report*, qui sont déjà en place, visent à concilier le développement socio-économique et la protection de l'environnement.

Le mécanisme des *EIA*, je vous rappelle existe depuis 1993, et il a fait ses preuves sous plusieurs gouvernements successifs. Il est transparent et permet à ceux qui se sentent lésés, de s'opposer à un projet de développement dans un cadre bien défini. Mais

soudainement, rien ne va plus. Tout est devenu noir, opaque du jour au lendemain. Soyons sérieux!

Je le répète, nous avons déjà commencé les consultations pour la mise en place d'une *Mauritius Resilience Strategy* qui s'appuie sur un paradigme axé sur une approche de *nature-based solutions*. A cet égard, des fonds ont été mobilisés par le gouvernement et par les bailleurs de fonds, pour générer des nouvelles cartographies pour les *Environmentally Sensitive Areas* et pour leur intégration dans le *National Development Strategy*, éventuellement, dans le *Outline Planning Scheme*, ainsi que dans le processus d'attribution des *Building and Land Use Permits*. De plus, la formulation des stratégies et des plans d'actions pour l'adaptation couvrira la question de la protection de la biodiversité et des écosystèmes. Ainsi, il est clair que la question des *Environmentally Sensitive Areas* sera en bonne place lors de la mise en œuvre de ce projet de loi, M. le président.

Ceux qui croient que la protection de l'environnement doit se faire exclusivement au détriment du développement économique et social n'ont rien compris du concept de développement durable. Le défi est justement de trouver l'équilibre entre ces trois axes. En tant que gouvernement responsable, c'est justement ce que nous sommes en train de faire en toute bonne foi et dans la transparence.

M. le président, plusieurs intervenants de l'Opposition se sont mis à se rappeler du bon vieux temps. Ainsi, nous avons pu entendre des références répétées au projet de Maurice Ile Durable. Il faut se rendre à l'évidence. Malheureusement, personne ne détient l'exclusivité sur le développement durable. Mais il est erroné de vouloir faire croire que sans Maurice Ile Durable, il n'y a pas développement durable à Maurice. En réalité, le MID n'est qu'une question de dénomination ou de *branding*.

Mais concrètement, M. le président, nous ne pouvons pas comparer ce qui n'est pas comparable. Le projet MID était une stratégie et un plan d'action, tandis que le *Climate Change Bill* est un cadre légal. Ce cadre légal précisément permettra de développer des stratégies et des plans d'actions pour l'adaptation et l'atténuation du changement climatique. Tandis que le MID couvrait que 5 thématiques, notamment les 5E, ce projet de loi sur le changement climatique pourra, quant à lui, couvrir les 14 secteurs, notamment ceux qui ont été soulignés dans nos Contributions Déterminées au Niveau National. D'ailleurs, je voudrais l'affirmer, le développement durable est au cœur même de l'action gouvernementale.

M. le président, en ce qui concerne l'inclusion d'une approche participative dans la gestion du changement climatique, je l'ai également affirmé précédemment. Nous allons amender la clause régissant le *National Network for Sustainable Development* pour lui donner le statut de plateforme d'échange pour promouvoir une approche consultative et participative. La société civile pourra utiliser cette instance pour apporter leurs contributions dans le processus décisionnel.

De plus, comme stipulé à l'article 11 (2) (a) de ce projet de loi, je cite –

“The Climate Change Committee may, where it considers necessary, to co-opt such other person with relevant expertise as may be of assistance in relation to any matter before it.”

Cette clause, d'ailleurs, s'applique aussi pour L'Ile Rodrigues, comme stipulé sous l'article 21(2) (a). Il permettra d'inclure plus des représentants de la société civile dans le processus décisionnel.

Je peux ainsi sincèrement affirmer que les accusations qui tendent à faire croire que ce projet de loi vise à exclure une participation élargie de la société civile est sans fondement.

M. le président, en ce qu'il s'agit des critiques sur l'absence d'une stratégie pour promouvoir une économie verte, permettez-moi d'affirmer le contraire. En effet, nous avons la volonté politique et un engagement fort pour faire avancer le pays sur la voie d'une croissance verte et inclusive. Permettez-moi de vous rappeler quelques mesures phares déjà entamées par mon ministère pour concilier le développement économique et la gestion optimale des ressources grâce à l'économie circulaire et une politique ciblée sur la consommation et la production durable. Pour la gestion des déchets électroniques, par exemple, mon ministère travaille actuellement sur la mise en place d'un cadre pour la gestion de ces déchets, en se basant sur les principes de précaution et de pollueur-payeur et l'utilisation de l'instrument responsabilité élargie des producteurs. Cet exemple ne sert qu'à démontrer que nous sommes prêts à adopter la politique innovante, nécessaire pour favoriser une économie verte.

Mon ministère travaille également sur la mise en place d'une plateforme digitale qui servira de système d'information pour les consommateurs. De nos jours, les consommateurs sont de plus en plus conscients des effets néfastes environnementaux qui découlent des chaînes de production et de ce fait, ils sont de plus en plus exigeants par rapport à la qualité de produits qu'ils achètent. Ce système d'information sur la durabilité des produits établira

ainsi le lien entre la chaîne de production et la consommation pour consolider l'entrepreneuriat vert.

De plus, mon ministère travaille déjà avec le Programme des Nations Unies pour l'Environnement pour la mise en œuvre du projet *SWITCH Africa Green* qui est financé par l'Union européenne, qui est à l'avant-plan pour encourager les pratiques écologiques et responsables dans tous les secteurs de production, tels que l'agriculture, le manufacturier et le tourisme.

Mais la mesure la plus ambitieuse qui agira comme levier pour propulser la République de Maurice vers une économie verte, demeure sans nul doute le *greening* du secteur public qui sera appelé à revoir ses modes d'opérations, ses empreintes écologiques dans le contexte d'une transition écologique. Mon ministère travaille déjà sur une feuille de route pour ce projet en collaboration avec d'autres ministères.

M. le président, nous n'avons pas chômé, et là, je dois dire que depuis 2015 lorsque Maurice avait soumis ses premières Contributions Déterminées au niveau national, il convient de le souligner. A titre d'exemple, en matière d'adaptation, nous avons mis en place un système d'alerte précoce pour le suivi des raz-de-marée. Cette initiative a d'ailleurs été citée comme *best practice* par la Convention sur le changement climatique durant le *Talanoa Dialogue*. Nous avons investi massivement dans la réhabilitation de nos côtes qui sont impactées par l'érosion côtière. Rien que pour les trois dernières années quelques 6,5 kilomètres du littoral ont été réhabilités au coût de R 330 millions. Nous continuons chaque année à mobiliser des budgets considérables à travers le *National Environment Fund* pour construire des drains et gérer le plus efficacement les causes possibles des inondations.

En matière d'atténuation du changement climatique, toute une série de mesures ont été prises pour promouvoir l'énergie renouvelable, notamment, avec la mise en œuvre du *Mauritius Renewable Energy Agency*. Nous avons développé une feuille de route pour l'énergie renouvelable avec l'objectif d'atteindre 40 pourcent d'énergie renouvelable d'ici 2030. Selon *Statistics Mauritius*, le taux d'énergie électrique généré à partir des énergies renouvelables était notamment de 20.3 pourcent en 2014, soit près de 596 gigawatt heures. Ce chiffre est en progression et en 2019, nous avons atteint 21.7 pourcent, soit 702 gigawatts heures.

Nous sommes ainsi en train d'accentuer nos efforts pour soutenir les mesures d'adaptation et promouvoir l'atténuation dans tous les secteurs concernés.

M. le président, ce projet de loi n'est certainement pas une fin en soi. Mais au contraire, il est le point de départ d'une gestion intégrée et cohérente. Les provisions de cette loi seront aussi en adéquation avec le plan directeur sur l'environnement que mon ministère est en train de finaliser. Pour rappel, ce plan directeur est le fruit des discussions publiques qui ont eu lieu durant Les Assises de l'Environnement où le changement climatique a été un des thèmes majeurs et le tout a été centré autour de la transition écologique.

M. le président, en guise de mot de la fin, je souhaite saluer le travail fourni par l'ensemble des équipes de mon ministère qui ont été mobilisées pour la préparation de ce *Climate Change Bill*, ainsi que l'appui inestimable de l'*Attorney General* et son équipe du *State Law Office*. Je voudrais également remercier toutes les parties prenantes, notamment les ministères, les corps paraétatiques et les ONG qui ont apporté leur pierre à l'édifice.

Grâce à ce projet de loi, nous portons ensemble devant la Chambre les bases d'un projet qui vise à faire de Maurice un pays plus résilient au changement climatique, plus vert et plus durable.

M. le président, je propose que le projet de loi soit accompagné des amendements aux articles 2, 30 (2b) et 30 (5d) et au *First Schedule* avant qu'il soit soumis au vote.

Sur ce, M. le président, je vous remercie.

(*Applause*)

Question put and agreed to.

Bills read a second time and committed.

COMMITTEE STAGE

(*Mr Speaker in the Chair*)

THE CLIMATE CHANGE BILL

(NO. XIV of 2020)

Clause 1 ordered to stand part of the Bill.

Clause 2 (Interpretation amended)

Motion made and question proposed: "that the clause stand part of the Bill."

Mr Ramano: Mr Chairperson, I move for the following amendment –

“in clause 2 –

- (i) in the definition of “greenhouse gas”, by deleting the word “means” and replacing it by the words “, referred to in Annex A of the Kyoto Protocol and the Doha amendment to the Kyoto Protocol, means”;
- (ii) by inserting, in the appropriate alphabetical order, the following new definition –

“Doha amendment to Kyoto Protocol” means the Doha amendment to Kyoto Protocol, adopted at Doha on 8 December 2012.”

Amendment agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 29 ordered to stand part of the Bill.

Clause 30 (Consequential amendments)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Ramano: Mr Chairperson, I move for the following amendment –

“in clause 30 –

- (i) in subclause (2), in paragraph (b)(ii), in the proposed new subsection (2)(a), by inserting, after the words “this Act”, the words “, the Climate Change Act 2020”;
- (ii) in subclause (5), by deleting paragraph (d);”

Amendment agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

Clause 31 ordered to stand part of the Bill.

First Schedule

Motion made and question proposed: “that First Schedule stand part of the Bill.”

Mr Ramano: Mr Chairperson, I move for the following amendment –

“in the First Schedule –

- (i) by inserting, after item 5, the following new item, the existing items 6 to 13 being renumbered as items 7 to 14 –

6. Minister responsible for the subject of environment

(ii) by inserting, after the newly numbered item 14, the following new item, the existing items 14 to 21 being renumbered as items 16 to 23 –

15. Minister responsible for the subject of land transport”

Amendment agreed to.

First Schedule, as amended, ordered to stand part of the Bill.

Second Schedule to Fifth Schedule ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Climate Change Bill (No XIV of 2020) was read a third time and passed.

Question put and agreed to.

Mr Speaker: Hon. Minister Koonjoo-Shah!

(7.04 p.m.)

PUBLIC BILLS

Second Reading

THE CHILDREN’S BILL

(No. XVII of 2020)

&

THE CHILDREN’S COURT BILL

(NO. XVIII OF 2020)

&

THE CHILD SEX OFFENDER REGISTER BILL

(NO. XIX OF 2020)

Order for Second Reading read.

The Minister of Gender Equality and Family Welfare (Mrs K. D. Koonjoo-Shah): Mr Speaker, Sir, I move that the Children's Bill (No. XVII of 2020), the Children's Court Bill (No. XVIII of 2020) and the Child Sex Offender Register Bill (No. XIX of 2020) be taken together and read a second time.

Mr Speaker, Sir, twenty-six years after the promulgation of the Child Protection Act of 1994, I have been given the privilege and honour to present before this august Assembly the Children's Bill 2020, which I personally consider being one among the most important Bills to have been brought before this National Assembly.

Mr Speaker, Sir, unfortunately, cases of child abuse reported to my Ministry are on the rise. Between 5,000 to 6,000, cases are reported on average each year. They mostly relate to suspected cases of child ill-treatment, cases of neglect, sexual abuse and sexual exploitation. Reports show that the range, the nature and the atrocity of offences against our children have evolved alarmingly throughout the years, despite the application of various prevention strategies.

Mr Speaker, Sir, not later than last week, we would recall how the whole country was shaken to the core by the tragic case of late Minor Ayaan. For recall, in 2018, 361 children were victims of child sexual abuse; in 2019, 456 cases were reported and 382 cases for the period of January to September 2020. An estimated number of around 3,500 to 4,000 cases of child violence, juvenile offenders, including child beyond control are taken at Court on a yearly basis.

In these cases, Officers of my Ministry, as first interveners, apply a multidisciplinary approach in order to provide an efficient and effective response to allay the sufferings of those children. They have to liaise with several institutions, namely the Police, the Judiciary, the Hospital authorities and Residential Care Institutions. They also have to conduct social enquiry and provide psychological assistance to these cases individually, as well as consider cases which warrant immediate placement in shelters and Residential Care Institutions. They also have to organise parental visits to children, rehabilitate families if needed and assess foster families. The overall objective of such a systematic review is to re-integrate the children safely back in their family environment the soonest possible, as applicable.

Mr Speaker, Sir, in certain cases, we have no alternative than to remove the children from their parents' home as they are exposed to risk of harm. On the other hand, we cannot accept a situation whereby our children stay in shelters for years. We have cases where some

children have been staying in shelters for almost 8 years. We currently have about 555 children placed in shelters.

We do ensure that these children continue their schooling and we organise other activities to ease their integration in normal life. However, Mr Speaker, Sir, there are several cases where children have not been declared. As a matter of fact, my Ministry is currently conducting a Survey on Unregistered Children in Mauritius in respect of tardy declaration. Also, as a responsible Government and Minister and according to the rights of the child, the latter is entitled to education and other public services and, in this respect, my Ministry is liaising with the Civil Status Office to address this very issue.

In addition, Mr Speaker, Sir, you may wish to note that three Government-Owned Shelters are now run and managed by Non-Governmental Organisations, subject, obviously, to the fulfilment of the conditions of the Child Protection Regulations of 2019, which clearly set out conditions to run those shelters.

The House may also wish to note that Government provides a Capitation Grant of Rs400 per child per day. As a caring and responsible Government, we need to ensure that these shelters and Residential Care Institutions comply with those Regulations. We are also constituting a pool of prospective NGOs to manage shelters.

Concurrently, my Ministry is working on the Adoption Bill which is coming to this august Assembly imminently.

Mr Speaker, Sir, while we plan to reinforce our information, education and communication campaigns on the rights, the care, protection and development of our children as an on-going preventive measure, I have to inform the House that I have also revamped the Child Services of my Ministry into a Child Rescue and Prevention Services, a Child Rehabilitation Services, a Licensing and Enforcement Services in order to ensure that the services dispensed are transparent, more responsive to our children's needs and aspirations and that officers are held accountable for their decisions.

Mr Speaker, Sir, currently, we are also reviewing the scheme of service of Family Welfare and Protection Officers so that these officers be classified as officers working on a roster basis given that child intervention requires a 24/7 service. In this respect, consultations are ongoing with the Pay Research Bureau and the Ministry of Public Service, Administrative and Institutional Reforms.

Mr Speaker, Sir, the protection, care and development of our children are fundamental in the construct of our country's future. It implies that, if we fail to lay solid foundations in this very construct, we will not only jeopardise our country's future but, most importantly, we will fail those who entrusted their lives, their wellbeing and their future in our hands.

Today, Mr Speaker, Sir, I feel privileged to present, on behalf of our Government, the Children's Bill to the National Assembly: a much-awaited Bill that will ensure the protection, safety, care, development of our children in a much better way.

Mr Speaker, Sir, before we reached to where we are today, allow me at this stage, with your permission, to briefly go through some of the major milestones achieved in favour of our children.

- In 1987, the National Adoption Act was passed to streamline all applications for adoption of Mauritian children by foreigners;
- In 1990, Mauritius acceded to the UN Convention on the Rights of the Child to ensure that the rights of the Child are respected in our country;
- In the same year, that is 1990, the National Children's Council (NCC) was set up by an Act of Parliament under the aegis of the-then Ministry of Women's Rights, Child Development and Family Welfare to promote the welfare of children generally;
- In 1991, the Government of Mauritius signed the Declaration of the World Summit for Children and adhered to the African Charter on the Rights and Welfare of the Child, as a renewed commitment to ensure that the rights and welfare of all our children are at the centre of our developmental concerns;
- In 1994, the Child Protection Act (Act No. 30 of 1994), in pursuance of the implementation of the recommendations of the UN Convention on the Rights of the Child, was voted to make better provision for the protection of children against ill-treatment, neglect, abandonment, destitution or any other form of exposure to harm, and
- In 2003, the Ombudsperson for Children Act was promulgated, *inter alia*, to ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals.

Mr Speaker Sir, in all these major milestones, there is one common factor and it was Sir Anerood Jugnauth who was the Prime Minister and who led these major achievements.

Allow me, with your permission, Mr Speaker, Sir, to pay tribute to Sir Anerood Jugnauth, a man of vision, for his unfailing contribution in providing this legislative framework for the welfare of the Children of the Republic of Mauritius.

Our Prime Minister, Mr Speaker, Sir, hon. Pravind Kumar Jugnauth, who continued on this commendable path, introduced the Children's Bill in 2019. However, due to General Elections held in November of last year, deliberations on the Bill could not be pursued.

Mr Speaker, Sir, since I took over this ministerial portfolio of Child Welfare in November last year, I gave priority to introducing this Children's Bill. The Bill has necessitated much documentation, taking into consideration prevailing guiding instruments such as –

- (i) the United Nations Convention on the Rights of the Child;
- (ii) the African Charter on the Rights and Welfare of the Child;
- (iii) the Convention on the Elimination of All Forms of Discrimination against Women relating to the girl child, and
- (iv) the National Children's Policy of 2003.

In addition, Mr Speaker, Sir, consultations have been held with various stakeholders such as Government agencies, Ombudsperson for Children's Office and NGOs. The views of my highly-esteemed colleagues in the august Assembly, the Civil Society, the press have also been of great value. Last but not least, the views of children have also been sought through a consultative workshop organized by the National Children's Council.

Mr Speaker, Sir, as a result of these consultations, I have the honour to present the Children's Bill and two other associated Bills, namely, the Children's Court Bill and the Child Sex Offender Register Bill to the House today.

The aim, Mr Speaker, Sir, of introducing the Children's Bill is to provide for a more comprehensive and modern legislative framework with a view to addressing the shortcomings of the existing Child Protection Act 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.

Mr Speaker, Sir, I will now come to the elaboration of the salient provisions in the Children's Bill –

- (i) according to the existing Child Protection Act, a child is currently defined as "an unmarried person under the age of 18". In this Bill, however, a "child"

means a “person under the age of 18”. The words “unmarried person” have been removed because, on this side of the House, Mr Speaker, Sir, we believe that a child should rather focus on his development and growth that will help him become a responsible law-abiding adult and citizen of this country;

- (ii) Mr Speaker Sir, Clause 4 of the Children’s Bill relates to the best interests of the child which shall be paramount and be the primary consideration by any person, Court, institution or other body. They shall respect, protect, promote and fulfil the rights and the best interests of the child, in any deliberation, and
- (iii) Clauses 5 and 6 stipulate that every child who is of such age, maturity and stage of development that he can participate in any matter concerning him, in so far, obviously, as practicable, he shall be given the right to participate in that matter and any views expressed by that child shall be given due consideration.

In this context, Mr Speaker, Sir, I am reviewing certain provisions of the National Children’s Council Act to promote better participation of children by giving them opportunities to voice out their views and their concerns and also participate in developmental activities.

Moreover, Mr Speaker, Sir, this Act applies to any child, meaning that “No person shall discriminate against a child” on the ground of the child’s or the child’s parent’s race, caste, place of origin, political opinion, colour, creed, sex, language, religion, property or disability.

Furthermore, Mr Speaker, Sir, in any proceedings, action or decision concerning a child, we need to understand that at all times, there shall be due regard to the rights and responsibilities of a child.

Clause 7 lays emphasis, Mr Speaker, Sir, on parental responsibilities and rights and this clause stresses that any person having the legal responsibility of a child shall provide his basic needs, including the responsibility to take decisions relating to that child’s day-to-day upbringing. Mr Speaker, Sir, unfortunately, we have witnessed that, sometimes, not all the times, persons having such legal parental responsibility, are not fulfilling their duties, with deadly consequences for the child on certain occasions, unfortunately. Hence, I am coming forward with amendments with more severe sentences regarding such offences.

Coming to clauses 8-10, Mr Speaker, Sir, provision is made for the setting up of a Child Services Coordinating Panel to facilitate the follow-up, coordination, implementation and monitoring of actions of various Ministries regarding the implementation of the Bill and

provisions of the United Nations Convention on the Rights of the Child, as well as the African Charter on the Rights and Welfare of the Child.

Mr Speaker, Sir, the Panel will consist of technical cadres representing different Ministries responsible for matters relating to education, finance, health, youth and sports, reform institutions, social security and the Police Department. Two independent members well versed in children's matters shall also be appointed by the Minister. This Panel will be chaired by the Supervising Officer of my Ministry. The Child Services Coordinating Panel will act as a one-stop shop to facilitate the implementation of all decisions taken in respect of cases involving children on a fast track basis.

Mr Speaker, Sir, clauses 11 to 28 of the Bill captures a range of offences, to name a few; forced marriage; abandonment of child; abduction by parent or other person; child prostitution and access to brothel; child pornography; inciting or allowing child to be sexually abused; child grooming; sale of alcohol to child; child access to gaming houses; mendicity; bullying; right to privacy and causing or inciting child to do an unlawful act.

Furthermore, Mr Speaker, Sir, aggravating circumstances have also been catered for in the Bill, with respect to offences committed on children who are physically or mentally disabled and where a person is in a position of trust abuses those very children. Mr Speaker, Sir, in these cases, the penalties have been made much harsher.

Clauses 29 and 30, Mr Speaker, Sir, relate to Aggravating Circumstances of Offences on physically and mentally disabled children. It is worthy to note that all fines and penal servitude have been reviewed on the increase in the Bill to 5 years, 10 years and 30 years respectively; and all fines increased across the board to Rs200,000 and Rs1 m. respectively. Furthermore, any person who is convicted under section 249 or 250 of the Criminal Code shall be interdicted from any guardianship.

Mr Speaker, Sir, Part IV of the Children's Bill details provisions regarding children who are victims of offences and who are in need of care and protection. A number of Care and Protection Orders exist to reinforce care and protection of our children. In fact, there are six orders, out of which five have been newly introduced, namely the Assessment order, the Placement Order, the Ancillary Orders, the Long-term Care Order and Contact Order in order to address the different situations for a better *prise-en-charge* of children.

Mr Speaker, Sir, with clauses 41 and 42, provisions have also been made to provide assistance to parents having to deal with children whose behaviour seriously disrupts not only the peace and harmony of the family but also the care and development of the child himself. The child's parent or parents may apply for parenting support intervention, including

counselling so as to assist him in his parental duties with respect to the management of the child's behaviour. The Probation and After Care Services will, after an initial psycho-social assessment of the child and that of his parents, draw up a parenting support intervention plan, including counselling for both parents and the child and the monitoring thereof.

However, Mr Speaker, Sir, should all attempts to rehabilitate that child to lead a normal life fail, then recourse will be made to a preventive intervention order so that the child is placed in a shelter.

Mr. Speaker, Sir, clauses 49 to 64 elaborate on the significance of the minimum age of criminal responsibility when it is recognised that the child has attained the emotional, mental and intellectual maturity to be held responsible for his action.

The minimum age of criminal responsibility set by different countries ranges from as low as 6 years to as high as 18 years of age. The median age of criminal responsibility worldwide is 12.

Mr Speaker, Sir, there is much debate about what should be the most appropriate age of criminal responsibility and there are no set international standards in this regard.

The Committee on the Rights of the Child concludes at Paragraph 32 of its General Comment No. 10 (2007) on Children's rights in juvenile justice that, I quote, "a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable."

At the same time, it stresses that States parties should not lower their age of criminal responsibility to 12 where it has already been set higher and strongly encourages States to introduce a higher minimum age of criminal responsibility, for instance, 14 or 16 years of age.

Mr Speaker, Sir, guidance is also found in Rule 4 of the Beijing Rules which recommends that any minimum age of criminal responsibility 'shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity'.

The Commentary to this Rule states that 'the modern approach is to consider whether a child can live up to the moral and psychological components of criminal responsibility; that is, in other words, whether a child, by virtue of her or his individual discernment and understanding, can be held responsible for essentially anti-social behaviours.'

Regarding the Republic of Mauritius, Mr Speaker, Sir, no legislation specifies the age of criminal responsibility.

However, Courts have regards to the age of discernment for minors who act with or without discernment under Sections 44 and 45 of the Criminal Code.

Mr Speaker, Sir, I believe, that in the application of the age of criminal responsibility, in all actions concerning children, the best interests of the child shall always be a primary consideration. The protection of the best interests of the child means, for instance, that we should think of rehabilitation and restorative justice in dealing with child offenders, with due attention to effective public safety, and the obligation to promote the child's reintegration into society so that they can assume a more constructive role in society.

Mr Speaker, Sir, a child can only be arrested, detained or imprisoned as a measure of last resort and for the shortest possible time in situations where a child is convicted of a violent offence or has been involved in persistent serious offending and there is no other appropriate response.

In practice, Mr Speaker, Sir, we need to think of a separate justice system for all our children. The system should provide assistance to the child throughout the proceedings until the case is concluded, regardless of the nature of the offence. This should be engaged from the moment of first contact until all involvement with the system is concluded. A separate justice system for children that has rehabilitation and reintegration as its central objective does not necessary mean that children will not be held responsible for their actions, nor that they will be denied due process to determine whether or not they have committed an alleged offence.

And this, Mr Speaker, Sir, is the rationale behind the Children's Court's Bill which should make provisions for separate Courts which are furnished and arranged in a child-friendly manner. However, there would be no arrest or prosecution of a child under the age of 14. Instead, Mr Speaker, Sir, consideration will be given to the reforming and rehabilitation of the Child in the best interests of the child.

Likewise, Mr Speaker, Sir, concerning juvenile offenders, aged 14 to 18 years, the Director of Public Prosecutions, in the best interest of the child again, may consider not to prosecute that juvenile for an offence or to discontinue criminal proceedings instituted against the juvenile. The Director of Public Prosecutions shall then request a Probation Officer to assess the possibility of enrolling the juvenile offender in a diversion programme.

Mr Speaker, Sir, the diversion programme shall be an individualised, non-residential supervision and rehabilitation scheme implemented under the supervisions of the Probation and Aftercare Services.

The Bill, Mr Speaker, Sir, favours reform and rehabilitation programmes instead of immediate detention. It ensures that all procedures are well defined regarding the roles and responsibilities of all parties concerned in a coordinated and concerted manner, namely, that of my Ministry, that of Probation and Aftercare Services, obviously, in collaboration with Non-Governmental Organisations.

Mr Speaker, Sir, I am satisfied that we have given all due attention to the care, protection, rehabilitation and development of our children in the Children's Bill.

THE CHILDREN'S COURT BILL
(NO. XVIII OF 2020)

Allow me now, Mr Speaker, Sir, to introduce the Children's Court Bill, which is the second complementary Bill to this Children's Bill.

The object of the Bill is to provide for the establishment of the Children's Court, which will have jurisdiction to hear and determine cases involving our children. The establishment of this dedicated and specialised Court has been rendered necessary with a view to ensure that the best interests of the children during Court proceedings are safeguarded in a child-friendly environment. I must stress that the Children's Court comprises a Protection Division and a Criminal Division, Mr Speaker, Sir.

The Children's Court Bill moves away from our traditional exposure to the austere and daunting environment which our Children have all the time been exposed to so far. In a modern jurisdiction, children should be treated with utmost care and respect. That is why a specialised, dedicated and child-friendly environment will allow children victims or witness, to feel more at ease to speak out and share their concerns. The concept of empowering the Court to appoint a *Guardian Ad Litem*, is yet another new provision to assist children prior to and during Court proceedings.

Mr Speaker, Sir, it is undeniable that with the setting up of the Children's Court, cases involving our children will be dealt with faster as opposed to the trauma of long endless hearings and the delivery of justice will now be accelerated when it comes to our children.

Mr Speaker, Sir, in addition, we are innovating by making maximum use of information technologies to ease up communication through the use of live video or live

television link system, and in that way shielding the child from directly having to face the perpetrator at Court.

Mr Speaker, Sir, our children are not born offenders; we have to ensure that they are treated fairly and expediently so as to provide them with the opportunity for a quick rehabilitation and return in the mainstream society.

THE CHILD SEX OFFENDER REGISTER BILL

(NO. XIX OF 2020)

With your permission, Mr Speaker, Sir, I will now come to the provisions of the Child Sex Offender Register Bill which, I believe, will reinforce our commitment to further protect our children from sexual predators. The purpose of this Bill is to establish a Child Sex Offender Register, which will also be known in short as the CSO Register.

The objectives of such a Register are to monitor and track persons in the community who have been found guilty of committing sexual offences against our children. It shall also help in detecting and investigating sexual offences against children.

This Register, Mr Speaker, Sir, will enable the traceability of such offenders for a time frame as determined by the classification of the offences as specified in the schedule to the Bill. Offences have been classified into three groups in terms of gravity of the offence and the perpetrator will accordingly have to report to the Police for a period of eight years or fifteen years or for the remainder of his life according to the gravity of the offence committed.

In addition, the Commissioner of Police will be empowered, in the interest of public safety, to disclose personal information of persons who have been found guilty of committing sexual offences against our children to another Government or foreign agencies in order to monitor the whereabouts of those offenders, and, at the same time, manage the risk of offenders who might commit further sexual offences against our children.

Mr Speaker, Sir, I believe that the introduction of the Child Sexual Offender Register Bill will have the deterring effect that is desired in our fight against sexual abuses on our children. Sexual abuse, Mr Speaker, Sir, committed on a child is undoubtedly one of the worst and most heinous crimes which affect the wellbeing, the growth and development of the child with long term consequences for the victim and his family, as well as the social circle, I should say. That is why I am considering to introduce Chemical Castration as a

sentence for Offenders falling under the class three offences of this Register. My Ministry has already initiated consultations on this matter with all the stakeholders concerned.

Mr Speaker, Sir, these three Bills are yet further initiatives to reinforce our national efforts and commitments to best practices in the global community. It is noteworthy that Mauritius was ranked first in the 2018 edition of the African Report on Child wellbeing and Mauritius has consistently maintained this position as the most Child-Friendly Country among 52 African Countries.

Before I end my intervention on the three Bills, Mr Speaker, Sir, allow me to share the vision that inspired me, both as a mother and as a Minister, when I was preparing the Children's Bill. My desire, Mr Speaker, Sir, is to see our children thrive happily, and with confidence, in a country where they are exposed to an environment, conducive to their holistic growth and development, so that they can contribute in their own little ways to the development of our society at all times. And, Mr Speaker, Sir, I am quite satisfied that the Children's Bill translates the very essence of this vision of mine.

Mr Speaker, Sir, at this stage, with your permission, I wish to acknowledge the contribution of all institutions and persons who have contributed to the elaboration of these three pieces of legislations. Nothing would have been possible without the unflinching commitment of our Prime Minister to whom I owe my respect and admiration for his deep-rooted beliefs in the rights and welfare of our children. Likewise, I would wish to extend a special thanks to my colleagues from the Cabinet for their support, in particular, to my Colleague the Attorney General and his staff and the personnel of the Office of the Director of Public Prosecutions.

I also, Mr Speaker, Sir, wish to place on record the support of the Prime Minister's Office, the Police Department, the different Ministries for their contribution and their support that of the Ombudsperson for Children's Office, the non-governmental organisations, the Civil society advocating for our children's right and welfare as well as the contribution of the media.

Last and not least, I wish to put on record the gargantuan work undertaken by Officers and advisers of my Ministry who have spared no effort in the realisation of these Bills.

Mr Speaker, Sir, safety and security do not just happen; they are a result of collective consensus and public investment. We owe our children, the most vulnerable citizens of our society, a life free of violence and fear.

Our children, Mr Speaker, Sir, are like precious pearls. It is important to realise that pearls do not just lie on the seashore. If we want to value our children as pearls, we need to dive for them and spare no efforts to provide them a lifetime full of joy, happiness, safety and accomplishments.

It is my firm belief, Mr Speaker, Sir, that it is easier to build a strong child than to repair a broken adult.

With these words, Mr Speaker, Sir, I commend the three Bills to the House and thank you all for your kind attention.

The Deputy Prime Minister seconded.

Mr Speaker: Hon. Ms Anquetil!

(7.40 p.m.)

Ms S. Anquetil (Fourth Member for Vacoas & Floréal): M. le président, cela fait un an que la ministre assume le poste ministériel. J'ai soulevé plusieurs questions relatives à la violence domestique et les abus envers les enfants car la situation est alarmante mais la ministre a toujours été assez évasive et imprécise sur ces problèmes.

Les protocoles sont dépassés avec un *Child Development Unit* impuissant entre autres. Des enfants restent sans défense et certains ont même perdu la vie. Les cas se répètent de semaine en semaine. La population, dans son ensemble, a eu raison; ce projet de loi tant attendu voit enfin le jour. Le débat sur ces trois projets de loi intervient après de multiples cas d'infanticide de ces dernières années dont le tout dernier date de 12 jours dans lequel un bébé de seulement deux ans a perdu la vie dans des circonstances troublantes. Ce soir, nous avons une pensée spéciale pour toutes ces victimes et ce petit garçon. Cet enfant a été battu à mort en présence d'autres adultes dont sa mère dans la maison familiale au moment des faits. Il faut qu'à l'avenir les lois puissent sanctionner aussi sévèrement ceux qui sont coupables d'un tel acte et qui témoignent passivement le passage à tabac d'un mineur à mort.

While we have noted that the main objective of this Bill is to repeal the present Act and to replace same with modern legislative framework with a view to address a shortcoming in the present legislation and 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 to which Mauritius is a signatory member.

Mr Speaker, I will fail in my duty if I do not bring to the attention of the august Assembly further shortcomings which ought to have been included in this Bill.

M. le président, nous avons tous le devoir de protéger les enfants de notre République surtout ceux qui sont vulnérables, fragiles, innocents et qui ne méritent pas de perdre leur vie dans de telles circonstances. Il n'y a pas de doute que nous avons tous ici la volonté d'avancer au service des enfants, nous devons donc y réfléchir collectivement. Il est bon de rappeler que les premières lois pour la protection des enfants datent de 1994, ce serait faire preuve de mauvaise foi de ne pas reconnaître que différents gouvernements ont apporté leur pierre à l'édifice pour la protection de l'enfance.

M. le président, j'accueille favorablement l'âge légal du mariage à 18 ans. Le mariage des enfants constitue une violation des droits humains, c'est une tragédie à Maurice. La place d'une fille est à l'école et avec sa famille et non avec un mari improbable. Le mariage d'enfants a des conséquences dévastatrices sur la vie de la fille mariée. Elles ont tendance à avoir plus d'enfants que la moyenne des femmes et elles sont exposées aux maladies sexuellement transmissibles, aux violences physiques et sexuelles, donc à un risque accru de mortalité car elles arrivent moins à négocier leur sexualité. Souvent, elles abandonnent l'école et se retrouve avec un niveau d'éducation très bas. A un stade ultérieur, elles seront exclues du développement économique, politique et social. C'est exactement ainsi qu'elles sont prises au piège du cycle de la pauvreté.

Le mariage d'enfants ne garantit pas que le mari restera dans le mariage à vie. Des études montrent que le taux de divorce parmi cette catégorie d'adolescentes mariées est beaucoup plus élevé que la moyenne. Une fois mariée, la fille devient employée de maison dans la maison de sa belle-famille. L'*Ombudsperson* et les autorités concernées doivent aider les parents dont les enfants ont décidé de fuguer avec leur amoureux ou ont menacé de le faire.

Un mécanisme efficace d'application et de contrôle doit être mis en place. Je déplore que le concubinage pour les moins de 18 ans ne soit pas mentionné dans ce projet de loi. Soyons honnêtes. L'âge légal du mariage à 18 ans ne va pas stopper l'union libre et les grossesses précoce si nous ne rendons pas le concubinage illégal. Afin de protéger les enfants entre 16 et 18 ans, je propose d'inclure une nouvelle offense de *corruption of minor* : toute activité sexuelle pendant cet âge, l'autre personne ne doit pas avoir plus de quatre ans d'écart. Nous ne pouvons tolérer et légaliser les relations sexuelles entre une jeune fille de 16

ans avec un homme de 50 ans. Je propose aussi d'inclure une nouvelle section *abuse of a position of trust*. Ça fait rire certains de la majorité, que voulez-vous !

(*Interruptions*)

Mr Speaker: What is happening on this side?

Ms Anquetil: C'est incroyable sur un sujet aussi sensible; c'est une honte.

Mr Speaker: Hon. Member, continue! You should not interrupt the hon. Member!

Ms Anquetil: C'est triste, M. le président. Quelle tristesse ! *It will forbid sexual contacts between adults and children under 18 in school, college and residential care as well as it will cover abuse by stepfathers or any parents.* Cela rendrait illégal à un professeur d'avoir des relations sexuelles avec une mineure, un *carer* dans un *shelter* de faire la même chose ou encore un beau-père abusant la naïveté de sa belle-fille mineure. En vertu de la section 19 - *causing, inciting or allowing child to be sexually abused, subsection 3 -*

“(3) *The following shall not constitute an offence under subsection (1) (a) -*

(b) an indecent act (attentat à la pudeur) upon a child aged 12 or above but under the age of 18, where the child has consented thereto;(...)"

D'abord le terme ‘attentat à la pudeur’ est dépassé. Maintenant, nous parlons atteinte aux mineurs, le consentement à des attouchements fixés à l’âge de 12 ans est trop jeune et inacceptable. L’âge de consentement devrait être relevé à 15 ans tout comme au Royaume Unis et en France. Je propose aussi de modifier la définition du viol qui doit donc être modifié et inclure la pénétration d'un objet, ceci modifie l'article 249 du Code Pénal.

L'article 22 *Child grooming, page 17*. Je propose que la section 1(b) soit amendée et doit inclure et préciser que même s'il ne s'agit pas d'une infraction dans ce pays, la personne sera poursuivie à Maurice.

Part (1) Preliminary - definition of ‘neglect’ doit inclure dans la définition – (1) l’incapacité des parents de l’enfant à fournir des soins adéquats ou un traitement médical thérapeutique ou curatif efficace à l’enfant. (2) Aussi inclure torture ou toutes formes de peines ou de traitements cruels, inhumains et/ou dégradants.

M. le président, en ce qui concerne la *definition of place of safety*, c'est inacceptable d'inclure l'hôpital comme un *place of safety*. Nous avons tous été choqués dans un passé pas

très lointain, lorsque nous avons appris que des enfants en bonne santé ont été jetés, et je pèse mes mots, dans des hôpitaux pendant des mois, faute de place dans les *shelters*, et pire, ces enfants étaient privés d'école. L'hôpital est un lieu où l'enfant est examiné et traité avant d'être placé dans un abri. Garder un enfant en bonne santé à l'hôpital pendant une longue période a un impact négatif sur le bon déroulement du développement de l'enfant.

Aussi, à l'hôpital, l'enfant n'est pas protégé. Contrairement au *shelters*, l'hôpital n'est pas *a restrictive zone*. L'enfant reçoit des visites qui ne sont pas filtrées et peut même recevoir des visites des parents ou proches de l'agresseur. Il y a eu un cas en juin de cette année où la femme d'un agresseur a rendu visite à une fille qui a porté plainte pour agression sexuelle.

Part II of the Children's Bill Sub-Part (a) Best Interests of Children and Parental Responsibilities, Article 4 Best Interests Principles, page 7. Il y a de quoi s'inquiéter puisque sur le terrain c'est différent. Depuis un moment, les officiers du ministère retirent des enfants de leurs foyers sur de simples allégations, sans avoir au préalable mené une enquête approfondie. Aujourd'hui, nous avons atteint un stade où les abris sont surpeuplés. Les officiers doivent pouvoir expliquer les raisons pour lesquelles c'est mieux pour l'enfant d'être retiré du foyer familial et non les laisser avec leur famille et de faire un *monitoring* avec eux. Dans certains abris, les officiers n'envoient pas les enfants à l'école, ceux qui y vont se retrouvent dans des établissements qui n'enseignent pas les matières qu'ils ont choisies.

Sub-Part (b) - Child Services Coordinating Panel, page 10. M. le président, je me pose des questions sur ce panel et l'avenir de l'*Ombudsperson*. Ce panel a les mêmes pouvoirs du bureau de l'*Ombudsperson for Children*. C'est clair qu'il va empiéter sur le terrain de l'*Ombudsperson* pour les enfants, en prenant une bonne partie des tâches et responsabilités de cet organisme qui fait un excellent travail. Il faudrait, au contraire, donner plus de pouvoir au bureau de l'*Ombudsperson* et augmenter son personnel.

Part III of the Children's Bill Sub-Part A – Offences; Article 14 Corporal or Humiliating punishment on child, page 13. Selon le projet de loi, le châtiment corporel n'est pas permis s'il cause de la douleur ou de la souffrance à un enfant. Au lieu de cela, nous devons suivre les législations britanniques et autoriser la punition raisonnable. Bien sûr, il faudrait aussi ajouter que les personnes ne pourront pas utiliser ce moyen de défense si elles sont accusées d'infraction contre un enfant pour blessure réelle ou grave.

Article 15 Abandonment of Child, page 13. M. le président, tout enfant a le droit de grandir dans une famille. Dans notre pays, malheureusement, nos lois actuelles ne facilitent pas l'adoption des enfants abandonnés par leurs parents biologiques. Souvent la difficulté vient que les deux parents biologiques sont inconnus et n'ont pas donné leur accord par écrit avant l'abandon. Pour rendre cet article efficace, la loi sur l'adoption doit être révisée et être conforme aux conventions internationales. Il faut établir une liste des enfants adoptables et une liste des personnes qui désirent adopter. En sachant que toutes demandes doivent être adressées au *National Adoption Council* avec dérogation pour l'adoption par un autre membre de la famille ou lorsqu'un conjoint veut adopter l'enfant de son conjoint. Cela diminuera le trafic d'enfants. Les parents qui veulent adopter n'auront plus à monnayer les enfants auprès de leurs parents biologiques. Ils n'auront qu'à consulter la liste des enfants à adopter.

Part IV du projet de loi fait référence aux *emergency protection order, placement order and long-term care order*. Je voudrais faire des observations suivantes. Dans la mesure du possible, le magistrat devrait parler à l'enfant avant d'émettre de tel ordre. L'enfant peut être examiné par un psychologue choisi par la personne qui demande l'ordonnance de sortie. Une fois dans les abris, comment allons-nous faire en sorte que les droits de l'enfant soient respectés?

Section F - Contact Order, page 31. L'*Ombudsperson* pour les enfants a alerté dans son rapport certains disfonctionnements comme, par exemple, les enfants placés ne reçoivent pas de visites régulières de leurs parents. Des contacts réguliers sont importants car l'objectif final est d'oeuvrer au retour de l'enfant chez eux. En effet, des visites lorsqu'elles sont organisées, elles se font au bureau de la *CDU* où les enfants ne peuvent pas passer de bons moments avec leurs parents.

Récemment, il y a eu un cas où la *CDU* n'a pas autorisé des enfants à rendre visite à leur mère mourante à l'hôpital, et lors des funérailles, la *CDU* n'a accordé que cinq minutes pour assister aux funérailles de leur mère. Les parents devraient être autorisés à enregistrer et à filmer toutes les visites qu'ils ont avec leurs enfants. Ces derniers n'ont accès à personne sauf aux officiers du ministère et ceux de *shelters*. Les parents doivent être en mesure de prouver si jamais ce qui a été dit par les officiers ne reflètent pas la réalité. En vertu du paragraphe 4, un *contact order* ne doit pas être accordé contre la volonté de l'enfant. Nous savons que les enfants peuvent être facilement manipulés et à moins que le *contact* ne soit nuisible à l'enfant, il ne doit pas être refusé aux parents ou aux parties responsables.

Sub-Part IV - Child Mentoring Scheme, page 35. Les législations précédentes prévoient la même chose, mais cela n'a jamais été appliqué. Nous devons nous assurer qu'il soit opérationnel cette fois-ci car cela permettra de réduire le nombre d'enfants retirés de leur foyer.

Part 5 of the Children's Bill, à la page 43, fait référence aux *Child Offenders*, aux *criminal responsibility of children and of child under 14 not criminally responsible*.

La responsabilité pénale fixée à l'âge de 14 ans est raisonnable. Dans de nombreuses autres juridictions c'est huit ans, d'autres 10 ans ou 12 ans. Il y a diverses opinions car certains disent qu'il faudrait plutôt la fixer à 16 ans ; je suis pour 14 ans. Une loi n'est pas statique. Si demain cette loi demande à être renforcée, on pourra toujours le faire.

Je voulais faire d'autres propositions rapidement et parler des enfants de rue. La Convention des Nations Unies relative aux droits de l'enfant de 1989, constitue une nouvelle approche audacieuse des droits de l'enfant, qui oblige les gouvernements à prendre de nouveaux engagements pour aider les enfants de rue. Le projet de loi que nous examinons ne contient aucune section traitant spécifiquement des enfants de rue. Les enfants de rue, M. le président, à Maurice c'est une réalité qui dérange et nous devrions chercher des moyens, donc des projets visant à réduire le nombre. Plus de budget devrait être alloué aux officiers ; la police et les ONG peuvent aider à les retracer. Une réforme de la loi sur l'adoption peut également être utile. La recherche et la collecte des données sur les enfants de rue devraient être encouragées.

Une autre proposition, la participation des ONG. Nulle part il est écrit que le ministère travaillera en étroite collaboration avec les ONG. Nous avons plusieurs ONG sur l'île qui travaillent depuis des années avec des enfants et les familles vulnérables. Le partage d'information entre elles et le ministère devrait être encouragé afin d'être plus efficace.

Concernant la section 38 - je note que la ministre quitte l'hémicycle.

Mr Speaker: Don't comment on all these things!

Ms Anquetil: Non, mais c'est intéressant quand même...

Mr Speaker: Catch my eyes! Catch my eyes!

Ms Anquetil: Oui, I catch your eyes. Yes, yes!

(*Interruptions*)

Mr Speaker: Don't be jealous!

Ms Anquetil: La section 38 (D) fait référence aux *Ancillary Orders* que le magistrat peut émettre. Je propose que l'aide des ONG soit sollicitée pour les cas de médiation entre parents, enfants et la famille, afin de trouver une solution. M. le président, avons-nous le renforcement des capacités et le budget nécessaire pour mettre en œuvre le projet de loi lorsqu'il deviendra une loi ? La réponse est non ! Le ministère doit revoir l'allocation de ses ressources et être plus productif. À ce jour, lorsqu'un enfant victime d'abus sexuel se retrouve au poste de police la nuit pour faire sa déclaration, l'organisation du ministère est telle qu'il n'y a qu'un ou deux officiers de garde pour toute l'île. Souvent, l'officier de garde et le chauffeur habitent deux régions complètement opposées, et la victime se retrouve à attendre des heures, quelquefois quatre à cinq heures, sans douche, au poste de police avant de pouvoir faire sa déposition.

Autre proposition, la création d'un registre des enfants. La meilleure façon de lutter contre la maltraitance des enfants est de créer un registre des enfants. Dès la naissance les données seront reliées à plusieurs ministères, tels que la Santé, le Genre et l'Education. La collecte des données permettra un meilleur contrôle, par exemple, sur la fréquentation scolaire et aussi les indicateurs de santé.

Quelques mots sur le projet de loi sur les tribunaux avant de conclure. Il est important de noter que l'article 13, *live video and television link, à la page 8* du projet de loi sur les tribunaux pour enfants, qui autorise la vidéo en directe et la télévision. Il existe un article similaire dans la loi de 1945 sur les tribunaux, article 161 (b), qui s'applique aux enfants, mais seulement dans les affaires d'infractions sexuelles. Cependant, cette mesure a rarement été utilisée et il est donc probable qu'elle ne sera pas utilisée, même s'il est possible de l'utiliser conformément au projet de loi sur les tribunaux pour enfant.

Je voudrais aussi dire que j'accueille, bien évidemment, le *Child Sex Offender Register Bill*. M. le président, avant de conclure, je tiens à saluer tous les professionnels et les ONG qui, quotidiennement, travaillent sans relâche pour protéger les enfants de notre République. J'ai aussi une pensée spéciale pour toutes les familles d'accueil qui maintiennent les enfants dans un environnement familial.

Je vous remercie, M. le président.

Mr Speaker: Hon. Members, I suspend the sitting for one hour.

At 8.05 p.m., the sitting was suspended.

On resuming at 9.25 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Thank you very much. Please, be seated!

Hon. Mrs Dorine Chukowry, please!

Dr. Mrs Chukowry (Second Member for GRNW & Port Louis West): Merci, M. le président. M. le président, je n'avais pas prévu de commencer mon discours de la sorte, mais si vous le permettez, je demanderai à tous ceux présents dans cette auguste Assemblée de se joindre à moi pour une pensée spéciale à l'intention de cette policière de l'ADSU, tuée dans l'exercice de ses fonctions dans des circonstances atroces aujourd'hui en début de soirée.

Mr Deputy Speaker Sir, this long-awaited Children's Bill comes as a prospective refuge for our children, especially in times where they are being assaulted and even murdered heartlessly. Moreover, the setting up of a Children's Court Bill and a Child Sex Offender Register Bill are commendable and daring steps taken by this Government to shield the children of the Republic of Mauritius. The enactment of the Children's Court Bill and the Child's Sex Offender Register Bill should be an automatic, instinctive and unified process if all of us here hold the welfare, sanctity, protection and future of our children close to our hearts. Hat's off, once again, to hon. Mrs Kalpana Koonjoo-Shah, Minister of Gender, Equality and Family Welfare, for having harbingered a substantial legislative architecture that seeks to afford the necessary protection and support to our younger generations!

Allow me to convey my appreciation and words of thanks to each and every stakeholder that has, in one way or the other, contributed in bringing these Bills to our contextual reality.

It will be fundamental to situate the commitments of the Republic of Mauritius towards the international community. We are a party to the Convention of the Rights of a Child of the United Nations and the African Charter on the Rights and Welfare of the Child, amongst others. Article 19 of the Convention on the Rights of a Child clearly states that the Government must make sure that the child is protected from any type of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation while he or she lives in the care of parents, legal guardians or any other person who has the care of the child.

These Bills, therefore, represent one of the strongest, most relevant and valid testimony of the Republic of Mauritius to bind itself through its actual Government to a course of action that will drastically change our perception and action when it comes to

honouring our international obligations in the domain of the protection of the child, woman and family unit.

It will be unbecoming on our part to conveniently ignore the tragedy that is unfolding itself as we speak in various corners of the globe. Children, at a tender age, instead of experiencing the best that life would have in store for them, are being subjected to horrific treatment.

Crimes against children, Mr Deputy Speaker, Sir, have unfortunately tainted world history since ancient time. Even our shores have not been spared by this maddening spree and my heart cries out to shocking atrocities which our children have been made to endure and many at the expense of their life. Eleana, Johanita, Ayaan *et tant d'autres enfants qui nous ont quittés. Ce projet de loi, c'est pour vous rendre hommage!*

With the repealing of the Children Protection Act of 1994, the Children Bill brings forth an all-encompassing and comprehensive legislation framework to concretely address the various areas related to the welfare of the Mauritian child.

One of the most relevant aspects of the Bill focuses on the ill-treatment of the children where in Clause 13, thereof, explicitly prohibits any form or type of harm to be directed to the child. Any transgression, any offence, will be sanctioned by a heavy fine and may imply some form of incarceration as a consequence.

Article 14 goes further in clearly stipulating that no child should be subjected to corporal punishment or undue harassment. Again, the penalty for defaulters is considerable.

Mr Deputy Speaker, Sir, what warrants our appreciation is that not only the Bill serves the purpose of being the custodian of the rights of our children but also it acts as a robust deterrent to all those who would be inclined to have recourse to brutality while dealing or handling children.

Mr Deputy Speaker, Sir, it is fundamental that we all come to terms that childhood, in itself, is characterised by fragility and vulnerability, and it is a learning phase which should be handled with care.

Our children will be called upon one day to shoulder the immense responsibilities associated with the socio-economic machinery that powers every country. And it is, therefore, vital that we give our children the brightness of existence which will eventually lead them to a future that is marked by consistency, integrity, balance and stability.

On another count, allow me to dwell on the particular feature of the Children's Bill with respect to the minimal age of penal responsibility being brought to 14 years. The Bill sends a strong signal and will deter young children from committing criminal offences.

Mr Deputy Speaker, Sir, the question of the cut-off age should not be a subject for debate if all of us value the righteous upbringing of a child. We want our children, especially growing teens to be law abiding citizens. Hence, it is necessary at this juncture that we set the rules which will allow our social architecture to thrive within parameters of fairness, safety, efficiency and integrity.

Mr Deputy Speaker, Sir, our society is not an unforgiving one, but over leniency can tie up a disastrous aftermath if transgressions are left unchecked, unpublished or disproportionately sanctioned.

We have not and we will never allow this to happen. Our success as a nation depends on the quality of our human capital and, therefore, calls for greater accountability of actions.

Benchmarking the legal age for contracting a marriage at 18 years is indeed a major step forward in upholding children's right. This, for sure, will have a positive impact on our image internationally as we will no more be viewed as a country promoting child marriage in 2020.

Mr Deputy Speaker, Sir, minors should not marry. A minor remains a minor and does not turn out to be an adult just because of marriage and marriage is also not a solution to teenage pregnancy. Teenage mothers are unfortunately not equipped to face the harsh realities and difficulties of raising children.

Academia has endlessly pointed out that underage marriages translate into a disturbing series of problems and obstacles.

The Bill, therefore, accurately ascribes the quality and state of being a child to anyone under the age of 18 years and thus synchronises the legal ramifications that govern Mauritians under 18 years of age while also regulating and rendering unlawful any type of marriage involving, at least, one underaged partner.

In the same line of thought, and as complementary to the Children's Bill, is the Children's Court Bill which will have exclusive jurisdiction to hear and determine all offences committed against children as well as offences committed by children.

We are all aware as how intimidating a Court of Justice can be to adults and needless to mention the effect of such hostile environment on the child.

In general, during court proceedings, children tend to be scared, especially in the presence of police officers and accused parties in handcuffs for instance. Such proceedings can be particularly stressful to children if procedures are not adapted to their needs and made child friendly.

Mr Deputy Speaker, Sir, a dedicated and specialised court for children in Mauritius will ensure the best interests of children during court proceedings. The Children's Court will provide a child friendly environment with the view to make the child feels safe, protected, respected and comfortable.

Mr Deputy Speaker, Sir, this Government has, therefore, placed the interest of the child at the core of its agenda by crafting the optimal legal repository which will seek to provide the best possible supportive environment to those minors involved in judicial procedures.

The object of the Bill is to provide a child-friendly environment whereby a simple and comprehensive language taking into account the age and maturity of the child will be used. The use of a simple and comprehensive language in the Court environment will make the child more comfortable to speak and will help to easily retrieve more information from the child. Presently, in the absence of such a Children's Court, the cases are dispersed before different common Courts at different levels, such as the District Court and the Intermediate Court. As a result, Courts cannot deal effectively with urgent matters relating to child protection, since the Courts are already heavily burdened with a lot of other cases. The specialised Children's Court is, therefore, a laudable measure to address efficiently and quickly cases dealing with children.

On a final count, Mr Deputy Speaker, Sir, allow me to thank the hon. Minister of Gender Equality and Family Welfare for bringing the Child Sex Offender Register Bill to the House today. The problem of sexual offences against children in Mauritius is a national legislative priority. I, therefore, welcome and fully support the introduction of a Child Sex Offender Register Bill, which aims at establishing a Child Sex Offender Register, with a view to reducing sexual reoffending and preventing the risk of sexual offences against children.

Mr Deputy Speaker, Sir, sexual offences against children is on the rise around the world and Mauritius is no exception. Rape, sexual intercourse, sexual harassment of child,

child pornography, child grooming, sodomy and child trafficking, amongst others, have, unfortunately, become a daily occurrence around the globe. The introduction of the present Bill is a testimony to the sincere and firm intention of this Government to reduce the prevalence of child sexual offences in Mauritius and the risk posed by serious child sex offenders by providing Government agencies with up to date information to monitor child sex offenders in the community.

Allow me, Mr Deputy Speaker, Sir, to present the various features of the proposed Bill. First of all, most incarcerated sex offenders will eventually return to our community and there is a common assumption that sex offenders are likely to reoffend. The most prominent feature of this Bill, Mr Deputy Speaker, Sir, relates to the registration of sex offenders whereby a CSO Register will be kept and managed by the Commissioner of Police and only authorised officers shall have access to the said CSO Register. However, it is worth highlighting that the public will not have access to the CSO Register. However, information about a registered officer may be released to a third party, such as a parent, carer, or teacher of a particular child where the Commissioner of Police believes that there is significant threat to the life, safety or welfare of a specific child or children.

Mr Deputy Speaker, Sir, all relevant details of the registrable offender will be on the CSO Register, for example, the name and address, detail of offences of which the registrable offender has been convicted, the date on which he was sentenced, the date on which he ceased to be in custody, amongst others. The registrable offender will be required to provide information on the name, sex and birth of each child who resides with him, and if he is working, the nature of his work and the name of his employer, and even any permanent distinguished marks which he has or details of any scars, amongst others. Hence, this will enable the Commissioner of Police to track the sexual offenders without difficulty, thus, theoretically reduce the probability that they would reoffend.

Mr Deputy Speaker, Sir, under this Bill, even a person, who has been sentenced to a term of imprisonment or non-custodial sentence in a foreign jurisdiction and comes or resides in Mauritius, will be treated as a registrable offender. This is worth mentioning.

Mr Deputy Speaker, Sir, a registrable offender will remain on the CSO Register only for the duration of his reporting period. Unlike the United States which have implemented the sex offender registration and notification laws, which require that the information be made fully public, same is not the case under the Child Sex Offender Register Bill. However,

Clauses 22 and 21 of the Bill provide the specific circumstances under which the Commissioner of Police may, in the interest of the public safety, disclose personal information to another Government agency or corresponding overseas agency.

Indeed, Mr Deputy Speaker, Sir, had the personal information and criminal history of the sexual offender or former offenders be made public, this could have represented a disincentive for the ex-offenders who have duly served their sentence and genuinely wish to be rehabilitated in society and find employment to look after their families. Therefore, this recipe seeks to attain the right balance.

Sur ce, M. le président, permettez-moi de faire une demande, qui est plus un cri de cœur à tous nos parlementaires, de bien vouloir considérer l'ébauche de ces mesures légales, afin que nous puissions offrir un avenir sain et sécurisé à nos enfants. Mettons nos couleurs politiques de côté, car nous sommes des parents avant tout, et nous comprenons la douleur des victimes, et ce sera faillir à notre tâche de parlementaire si nous ne pouvons les protéger des crapules de toutes espèces. C'est le moment ou jamais de réitérer à la communauté internationale que la République de Maurice n'épargnera aucun effort pour soutenir et protéger ces enfants.

Mr Deputy Speaker, Sir, with those words, I would like to congratulate the hon. Minister for coming with this Bill and I would also like to commend this Bill which will undoubtedly curb the prevalence of sexual offences against our children.

Thank you very much for your attention.

The Deputy Speaker: Thank you very much. Hon. Mrs Navarre-Marie!

(9.47 p.m.)

Mrs A. Navarre-Marie (Fourth Member of GRNW & Port Louis West): Merci, M. le président de séance. Je note avec regret que le Premier ministre a brillé par son absence, alors même que sa ministre présentait un important projet de loi, et je note également l'absence de la ministre elle-même, alors que ce projet de loi est débattu. Cela en dit long.

M. le président de séance, avant toute chose, il m'importe de préciser que sur ce projet de loi, le MMM donne toute latitude à ses députés d'en débattre à leur aise. *There is no party line*, comme ce fut le cas également sur le projet de loi sur l'avortement. Cela est également le cas en ce qui concerne le sujet de la peine de mort. Il y a aura certainement d'autres sujets

à l'avenir, d'autres projets de loi où les députés du MMM pourront s'exprimer selon leurs convictions personnelles.

This Bill is long overdue. La genèse de ce projet de loi, M. le président de séance, remonte à bien des années, plus de 15 ans. L'idée était de nous inspirer du *Children's Act* de 1989 de la juridiction anglaise qui est en fait un compendium des législations relatifs à l'enfant dès sa naissance jusqu'à sa majorité. À savoir, la déclaration de l'enfant à sa naissance, les services de santé obligatoires, les vaccins ; par exemple, les normes de crèches, la scolarité, les enfants de rue, les allocations sociales, l'adoption et les familles d'accueil, la responsabilité des collectivités locales, l'enfant et le travail et l'âge de responsabilité criminelle, entre autres choses. En bref, le devoir et responsabilité vis-à-vis des enfants, de même que leurs droits et de leurs devoirs vis-à-vis de la société.

En tant que signataire de la Convention des Droits des Enfants et l'*African Charter on the Rights and Welfare of the Child*, nous avons le devoir de les ratifier et les *domesticate*. Nous avons déjà un *Child Protection Act* mais la loi ne peut rester statique, eu égard de nombreux changements de par le monde et cela à une cadence effrénée. Dans cette perspective, le *Children's Act* se devrait de répondre à ces changements. Le *Children's Bill* figurait déjà dans notre plan d'action sur les enfants de 2000 à 2005. Nous avions déjà commencé à jeter les bases de ce projet de loi. Le ministère travaillait simultanément sur le projet de *l'Ombudsperson for Children's Office*, que nous avions voté en 2003.

L'objectif, M. le président de séance, était de mettre sur pied une institution indépendante qui agirait comme chien de garde sur les violations des droits des enfants venant de toutes parts, des institutions privées ou publiques, le ministère de tutelle, de même que des violations venant de la cellule familiale, et surtout des violations venant de ceux ayant pour tâche de protéger nos enfants. Certains de mes collègues ministres et autres parlementaires d'alors ne comprenaient pas ma démarche. Ils me demandaient : pourquoi cherches-tu à te mettre des épines dans les pieds? Mais le Premier ministre d'alors, l'honorable Paul Bérenger, en homme visionnaire, a personnellement cru dans ce projet et y a jeté tout son poids. Ce fut un soutien indéfectible et nous l'avons fait pour la postérité.

Le projet de *l'Ombudsperson for Children* avait déclenché lors d'une visite qu'effectuait *l'Ombudsman* de la Norvège à Maurice. Il vint me rendre une visite de courtoisie, accompagné d'une officielle de l'UNICEF, Mademoiselle Miriam Gopaul. Et lors de cette visite, il me remit une copie de la législation norvégienne, que nous avons retravaillé,

renforcé et adapté dans le contexte local. Nous avons été le premier pays du continent africain à mettre sur pied un tel organisme et nous en sommes fiers.

L'Afrique du Sud avait un *Commissioner of Children* à l'époque. Dès son installation, la première tenante en titre, Mme Shirin Aumeeruddy-Cziffra s'est attelée à la tâche. En tant que telle, elle a identifié des lacunes et des faiblesses dans le protocole de protection des enfants que nous efforçons de corriger. C'était cela le but parce que le ministère ne peut pas être juge et partie. C'est le moyen de faire avancer la cause des enfants et de mieux se protéger.

Le projet de loi devant cette Chambre, M. le président, propose la création d'un *coordinating panel*, un nouveau mécanisme, *the setting-up of a Child Services Coordinating Panel which shall be responsible for coordination of all activities relating to the implementation of the present legislation. The UN Convention for the Rights of the Child and the African Charter on the Rights and Welfare of the Child*, qui est une bonne chose, mais cela ne doit pas être perçue comme étant en compétition avec l'*Ombudsperson for Children's Office* et devrait, entre autres choses, de mettre en œuvre les recommandations de ce bureau.

En Angleterre, il existe un organisme de coordination *working together to safeguard children, a guide to interagency working to safeguard and promote the welfare of children*. Cet organisme a pour objectif de coordonner les services des différents *stakeholders* pour la protection et le bien-être de l'enfant pour un service de qualité et, dont, la profession de foi est déclinée dès sa première phrase en introduction.

Nothing is more important than children's welfare; children who need help and protection deserve high quality and effective support as soon as a need is identified. Je l'ai dit et le redis, le projet de loi qui est devant l'Assemblée aujourd'hui était très attendu et, est certes, une belle avancée. D'abord, l'âge de mariage à 18 ans. En circulant le projet de loi, le *Children's Bill*, le gouvernement donne l'impression que l'âge de mariage sera rehaussé à 18 ans, or tel n'est pas le cas. L'âge de mariage est déjà à 18 ans dans la loi, mais avec une dérogation dans des conditions spécifiques. Avec ce projet de loi, l'âge de mariage est toujours à 18 ans mais cette fois sans aucune dérogation. Personnellement, je pense que c'est une bonne chose. Il importe de nos jours, M. le président, d'encourager les filles à continuer leur scolarité. Éduquer une femme c'est éduquer toute une population. En cas de grossesse, la solution première n'est pas le mariage. En 2003, nous avions voté un *Sex Discrimination Act*, toujours sous le *premier ministership* de l'honorable Paul Bérenger. Fort de cette loi, les

responsables d'établissement scolaire faisaient en sorte que la fille enceinte ne soit pas pénalisée et qu'elle n'ait pas à regretter toute une vie pour quelques minutes d'égarement.

L'étudiante pouvait continuer ses études et prendre une décision avisée lorsqu'elle aurait atteint l'âge de 18 ans. La *Sex Discrimination Act* a été abrogée en 2008 avec l'*Equal Opportunities Act* mais cette nouvelle loi n'est pas suffisamment explicite sur le sujet. Dans ce sens, donc, ce projet de loi est une avancée, mariage à 18 ans sans dérogation aucune mais ce projet de loi se devrait être accompagné par d'autres mesures en même temps avec, par exemple, une éducation sexuelle digne de ce nom sans tabou et moins pudique.

M. le président de séance, le sujet de l'enfant est à la fois grave et préoccupant et se doit d'être traité en amont. Mieux vaut prévenir que guérir et la législation devrait permettre d'offrir aux enfants dans chacune des étapes de sa vie un bon niveau de santé et de développement et évidemment de les protéger contre les préjudices graves. Hors, ce projet ne s'attaque pas aux problématiques des enfants à la racine même. Prenons comme point de départ le décès du bébé Ayaan, est-ce que ce projet de loi, si elle est votée, telle que circulée, lui aurait sauvé la vie ?

La ministre propose deux amendements –

- (i) *the duty to report*, and
- (ii) *tougher penalties*.

Elle en a parlé la dernière fois lors de son *statement*.

Duty to report, c'est très bien, le devoir et la responsabilité de chaque citoyen sont donc engagées pour une meilleure protection de l'enfant et faire de cette cause, une cause nationale mais *tougher penalties*, j'émets des doutes quant à leur application et surtout de leur efficacité.

M. le président de séance, deux sujets méritent notre attention, d'abord l'âge de consentement sexuel. Est-ce que l'âge de consentement sexuel est de 12 ans ? Nous souhaiterions être éclairés sur la question car cela est impossible. La section 19 du projet de loi –

«*causing, inciting or allowing child to be sexually abused*»

sous la section 3(b) dit ceci –

“*The following shall not constitute an offence –*

- (i) *an indecent act (attentat à la pudeur) upon a child aged 12 or above but under the age of 18 where the child has consented thereto.”*

Il est impossible qu'un enfant de 12 ans puisse avoir *consented*. Deuxièmement, le fait que l'éducation est obligatoire jusqu'à l'âge de seize ans, que fait l'enfant de 16 à 18 ans - l'enfant qui n'est pas scolarisé? Est-ce qu'il a le droit de travailler? Si oui, c'est donc une contradiction, l'enfant étant mineur. Ce serait donc le *child labour*. Il serait aisément d'avoir un débat sur le sujet.

M. le président, lors de la présentation des troisième, quatrième et cinquième rapports présentés au *UN Committee* en 2015, il y a eu quelques interrogations de la part des experts internationaux qui n'ont malheureusement pas été pris en compte dans ce projet de loi : la scolarité dès la petite enfance, le médium de l'enseignement à l'école, les enfants en situation de handicap dans les écoles, un quelconque soutien aux parents qui le méritent vraiment. Le droit à un logement doit également faire partie de ce projet de loi. Le petit Mathis s'en est allé sans avoir connu un logement digne de ce nom, le petit Ayaan s'en est allé sans avoir connu une protection. Or, ce sont des droits.

M. le président, je vais maintenant aborder l'âge de responsabilité pénale. Certaines vérités qui paraissent évidentes mais qui sont de plus en plus méconnues doivent être affirmées avec force. L'enfant a besoin de tendresse mais aussi de fermeté. Cela est vrai dans une famille mais aussi à l'égard des jeunes délinquants. Quel est l'âge minimum de la responsabilité pénale? Le sujet est pertinent. Les enfants délinquants suscitent des questions controversées et importantes quant à savoir si l'âge de la responsabilité pénale est fixé à un âge approprié. Ce projet de loi propose l'âge de 14 ans mais nous pensons que cela aurait dû être 16 ans.

M. le président de séance, il convient de s'interroger sur le statut de l'enfant devant la justice à Maurice. À ce jour, nous n'avons ni juges ni tribunaux spécialisés pour enfants. C'est le magistrat de district qui statue dans son cabinet, si j'ai bien compris. Sur la responsabilité pénale, les articles 44 et 45 du code pénal disposent que le critère de la distinction n'est pas un critère d'âge mais un critère de discernement sur lequel le juge devra se prononcer. À mon avis, ce sont seulement dans des cas extrêmes que l'enfant doit être appelé au tribunal. Cependant, je conviens qu'il n'est pas facile de délimiter les cas extrêmes. Concernant l'accès à la justice des jeunes délinquants à Maurice, le comité des Nations unies fait la remarque suivante –

«Access to legal aid was not guaranteed in direct contradiction with the provisions of the convention»

Il faudrait, donc, y remédier. Quelquefois des enfants sont maltraités dans les postes de police et se voient refuser une procédure régulière qui devrait garantir l'équité de leur procès. Les enfants des rues sont particulièrement vulnérables aux arrestations arbitraires et aux mauvais traitements.

M. le président, ce projet de loi aurait pu être une occasion de revoir le fonctionnement du RYC et du CYC de 1936 et 1947 respectivement et les aligner sur les deux Conventions des enfants.

Autrefois, il y avait des centres de réhabilitation appelée l'école industrielle où l'accent était mis sur la formation de l'enfant et l'apprentissage à un métier. Le service de probation devrait se concentrer sur une action de suivi afin que les enfants détenus dans les centres et d'autres établissements se voient offrir les meilleurs soins possibles auxquels ils ont droit. Enfin, les dispositions légales permettant aux parents de se soustraire à leurs responsabilités en demandant une ordonnance de détention au motif que les enfants seront *beyond control* devaient être abrogées. Les parents doivent faire un rapport au ministère compétent qui décidera s'il s'agit d'un cas digne d'une ordonnance de protection.

Finalement, des dispositions devraient être prises pour que toute déclaration de culpabilité d'une personne alors qu'elle était enfant ne figure pas sur son certificat de caractère.

The Children's Court et ses objectifs est un bon départ, bravo, de même que le *Child Sex Offender Register*. Toutefois, il serait bon que le public, comme la police, puisse avoir accès à ce registre.

Je terminerai en disant ceci, M. le président de séance : les trois projets de loi, devant cette Assemblée, représentent une belle avancée, certes, mais le *Children's Bill* aurait pu et aurait dû aller plus loin en s'attaquant aux problématiques de l'enfance à partir même de la racine et travailler en amont, tout en adoptant des mesures d'accompagnement appropriées. L'Etat se doit de se donner les moyens de mettre en œuvre les provisions de ces projets de loi pour atteindre les objectifs, que sont la protection, le développement et le bien-être des enfants.

Je vous remercie.

The Deputy Speaker: Thank you very much. Hon. Hurreeram!

(10.09 p.m.)

The Minister of National Infrastructure and Community Development (Mr M. Hurreeram): Merci, M. le président. Permettez-moi de me joindre à ma collègue, l'honorable PPS Chukowry, pour présenter mes sympathies à la famille de la policière qui a laissé sa vie dans l'exercice de ses fonctions. Je lui dirais, 'Om Shanti' WPC Raghoo.

Thank you, Mr Deputy Speaker, Sir. I have decided to intervene on the debates regarding this Bill, because I believe it is my duty to do so, not only as a Minister of this beautiful Republic, but also as a father. This Bill represents the determination of this Government under the guidance of our Prime Minister, hon. Pravind Kumar Jugnauth, to protect the children of this country, to protect your children from violence and abuse. I have listened carefully, closely to hon. Mrs Navarre-Marie. I have much respect for her, I must say, especially with regard to her illustrious career, which saw her elected in this very august Assembly for the first time in 1982. We might recall she had served as Minister of Women's Rights, Child Development and Family Welfare from 2000-2005 under the MSM-MMM Government. So, I can understand her bitterness and regret that she is not the one to bring this Bill to the very Assembly so many years later. Indeed, since the fruitful collaboration between our two parties 15 years ago, the MMM has unfortunately not been in Government at all, and therefore, could not do much beside criticising or finding the glass half full, half empty rather. This is, however, not how we make history or we are remembered for. History knows only those who bring real change to the lives of people and since 1983, every single landmark piece of legislation, decision taken and tremendous development that followed, it was the MSM Party that was in Government, whether you like it or not. I understand her position which is quite difficult because she had to find what is not in this Bill, and this must have taken weeks of handwork with a much disappointing result. I pray that the Opposition Members bring more solid proposition that can actually be considered by my hon. colleague, Mrs Koonjoo-Shah, rather than hollow remarks that will contribute in no way to the betterment of the lives of our children.

M. le président, il s'agit là d'un projet de loi novateur, un projet de loi non seulement en phase avec les conventions internationales, mais c'est un projet de loi unique en son genre.

Why unique? This is a piece of legislation written with a heart. This is a piece of legislation which has a soul. This is a piece of legislation which will wipe off a tear from the

cheek of a child. Obviously, Mr Deputy Speaker, Sir, one main attribute to this Bill is the legal age to marry. So, let us get to it immediately. For years now, the debate has raged over the legal age of a human being in Mauritius to be authorised to marry. Many argued that with parental consent, marriage was to be authorised for those aged between 16 and 17 years old. It is even described in our Code Napoléon. However, child marriage is a worldwide phenomenon. Out of ten countries across the world with the highest rate of child marriages, six countries are from West and Central Africa. The problem affects many young girls, so much so that the UNICEF has set a target that by 2021, it would have reduced the number of girls aged between 20 to 24 years old to have married before the age of 18 from 41% to 37%, which represents approximately 3 million girls. You would believe that in Mauritius we would be spared of such a situation. Unfortunately, this is not the case. Our girls are still being convinced to marry at the early age of 15, 16, 17 to men as old as 18 or 19. At this tender age, when our youngsters are just starting to mature, some are unfortunately being thrown in the vows of marital life, often with the burden of pregnancy and childbirth. Only recently, we have witnessed with anguish, I must say, the death of a married and pregnant 13-year old in mysterious circumstances.

Mr Deputy Speaker, Sir, we cannot tolerate this kind of practices in modern Mauritius. This Government is setting the record straight. The place of any Mauritian child, irrespective where they come from, where they live, irrespective of their gender or religious belief, is on the bench of a school. Our youth should be able to focus on the future, on learning a craft, making a living, perfecting themselves in the field of their choice to contribute to the economy of our country. We, as elders, as legislators, our role is to set the foundation for a better Mauritius for our youth, and this mission starts with first defining a child to be anybody under the age of 18 and clause 12 (1) of this Children Bill which stipulates that no person shall force or cause a child to marry civilly or religiously. And here, Mr Deputy Speaker, Sir, allow me to congratulate both my colleagues, hon. Mrs Fazila Jeewa-Daureeawoo and hon. Mrs Koonjoo-Shah, who, together with the officers, have worked tirelessly and resisted to all sorts of pressures to bring these two elements into the National Assembly and history will recall. On behalf of the children of this country, I would like to say thank you. Our society is evolving and in modern times, it is unacceptable for a citizen of this country aged 16 or even 17 years old to be forced, or otherwise, encouraged to engage in matrimony. To bear at such a young age marital responsibilities are now redundant; it is simply unacceptable.

Mr Deputy Speaker, Sir, the solution to sexual promiscuity is education, not marriage. If today, we have to bring such a piece of legislation detailed and precise and settle the debate once for all for the legal age of marriage, it is because our family units have failed.

Oui, M. le président, nous voulons empêcher nos cellules familiales de faillir à leur tâche qui est d'éduquer nos enfants, de les protéger, et surtout, de les préparer à la vraie vie.

Mr Deputy Speaker, Sir, this Bill is more than an upgrade to the Child Protection Act and you will agree that these are not just mere amendments that we are bringing to a law which protects the very future of this country.

Clause 7 now defines clearly the role of a parent or any other person who has the custody of a child. This will entitle any child of our Republic to basic needs on a day to day basis from their responsible party. This section not only defines the right of a parent, but also the responsibilities attached to that particular role which exist in our Civil Code, and now is reproduced here in this Bill, which even includes an obligation for a parent to maintain contact with a child. And it is an offence for someone to prevent that child to have access to any of the parents.

Clause 9 accounts for the creation of a panel which will comprise representatives from various Ministries directly related to the upbringing of a child and senior members of the Police Force. Mr Deputy Speaker, this panel has nothing to do with what the current law provides, that is, the Child Mentoring Committee, and anyone would be wrong to suggest that the panel is a replica of this Committee. Unlike the previous Committee, this panel will comprise representatives of five different Ministries other than Gender, namely Education, Finance, Health, Reform Institution and Social Security and Youth.

This will provide a more holistic approach to the monitoring of the condition of our children by bringing to the same table all Ministries directly concerned with our youth. Also, now we are ensuring that not any representative of the Commissioner of Police should be part of this panel, but an officer not below the grade of a Superintendent. This, Mr Deputy Speaker, clearly shows how serious this Government is with regard to the protection of our children.

As we go further, you will find that this Government and my colleague Minister of Gender have now, not only increase fines and term of imprisonment, but have gone the extra mile. Now, ill-treatment, corporal punishment or even humiliation is clearly defined and punishable by law. No stone has been left unturned, Mr Deputy Speaker, Sir, in order to

secure to a maximum the childhood of future generations. This Bill is a complete one, Mr Deputy Speaker, Sir.

We are now giving a definition in section 26 to bullying which is any behaviour which –

- “(a) is repetitive, persistent and intentionally harmful, or
- (b) involves an imbalance of power between the victimiser and the child and causes feelings of distress, fear, loneliness or lack of confidence in the child, and which results in serious physical or psychological harm to the child, disability of the child or death of the child.”

It was more than necessary to tackle the issue of bullying which is much present in our schools or anywhere else for that matter and it is sadly a practice which can scar a child for life. Those who commit the act of bullying will now pay the equivalent price for their misdemeanour.

Mr Deputy Speaker, Sir, under clause 31, this Bill guarantees a child's right to care and protection where, namely –

- (a) “the child is abandoned or orphaned;
- (b) the child lives in, or is exposed to, circumstances which may seriously harm his physical, mental or social well-being;
- (c) the child is neglected or ill-treated;
- (d) the child has been, or is likely to be, exposed to harm;
- (e) the child is exploited or lives in circumstances which expose him to exploitation;
- (f) the child is found begging or receiving alms; or
- (g) the child's parent is convicted of an offence under this Act or under section 249 or 250 of the Criminal Code.”

And clause 32 complements clause 31 in a manner which is more appropriate to modern times than specified presently in the Child Protection Act.

Mr Deputy Speaker, Sir, under the Child Protection Act, the duty to report at clause 11 empowered only a medical practitioner or member of a school staff to notify the

Permanent Secretary of the Ministry in case of suspected ill-treatment of a child. I believe that this procedure is not enough.

This Bill, under clause 32, allows the person who has reasonable grounds to believe that a child has been or is likely to be exposed to harm to report the matter directly to the police. And now the police in turn, irrespective of the fact that they have referred the matter to an authorised officer as specified in subsection 3, whether the child is not willing to disclose or give a statement or the Police receive an anonymous report, the police is empowered on reasonable ground to conduct a criminal investigation.

Mr Deputy Speaker, Sir, together with the Children's Bill, we have two other very important pieces of legislation, namely the Child Sex Offender Register Bill and the Children's Court Bill. They are necessarily to its proper implementation.

At the very moment we speak, Mr Deputy Speaker, Sir, unfortunately, a sexual perpetrator is roaming freely somewhere in the country. Once they served their time and are released, they change their place of stay and are ready to seize the first opportunity to commit their filthy act towards our children.

Each and every parent needs to know where these offenders are located. Unfortunately, this measure is not practicable for obvious reasons. This is why the responsibility to access and monitor this register has been entrusted upon the Commissioner of Police. With this register, we will be able to keep track of all sexual offenders who have been sentenced by a Court of Law. Moreover, this Bill will allow our country to share the same information with overseas agencies where offenders intend to travel. This register is a valuable tool in our endeavour to ensure that any sexual offender will never lay their hands on our child again.

The third Bill, Mr Deputy Speaker, Sir, caters for the establishment of a Children's Court which will comprise of –

- (a) “a Protection Division which shall have jurisdiction to hear and determine, *inter alia*, any application in respect of child protection matters under the Children's Act 2020, and
- (b) a Criminal Division which shall have jurisdiction to hear and determine, *inter alia*, sexual offences against children and offences where children are witnesses thereto.”

Mr Deputy Speaker, Sir, I cannot press enough how important those three Bills are for the children of this country. This is a landmark in this country's aim to eradicate crimes committed against children. Together, we are abolishing child abuse. We are empowering our institutions. We are now more than ever making parents responsible for the upbringing of their children. No more shall a Mauritian child be deprived of love, affection and support. As per the World Bank, globally, an estimated 1 billion children, aged from 2 to 17 are exposed to multiple forms of violence every year.

Mr Deputy Speaker, Sir, one child exposed to harm is one too many. We have all been deeply affected by the loss of little Ayaan under tragic conditions. We felt grief, even anger. This Bill is an intricate piece of legislation but unique in its kind. It deals with very sensitive and delicate issues but is daring, audacious, fearless, *j'oserai dire à l' image de ce gouvernement, M. le président.*

An invisible but indestructible wall around a child - I believe that investing in our youth, protecting their childhood, ensuring they benefit from all the necessary means and resources be it tangible or intangible to become accomplished adults. It is the smartest thing a Government can do for its country and this is exactly what we intend to do by voting those three Bills. All families can benefit from this strong legal framework and resources in the face of these challenges and, as parents, friends, neighbours and fellow human beings keeping our children safe should be among our highest priorities.

Tonight I do not call upon you as elected Members of Labour Party, MMM Party or the PMSD, but I call upon you as fathers, mothers, uncles, aunts, sisters, brothers here. These Bills deserve your vote for our children, for the future and for the society we create. I urge my colleagues from the other side of the House to put aside the political agenda and vote for these Bills for the sake of all the children of this great nation.

I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Thank you very much. Hon. Dr. Gungapersad!

(10.29 p.m.)

Dr. M. Gungapersad (Second Member of Grand'Baie & Poudre d'Or): Thank you, Mr Deputy Speaker, Sir. I have the pleasure of intervening on the three different Bills, namely the Children's Bill, the Child Sex Offender Register Bill and the Children's Court Bill.

I welcome these Bills brought by the Minister of Gender Equality and Family Welfare.

I want to look at these three Bills from a purely educator's perspective. To begin with, the aim of these three Bills is to provide the proper legal protection to our children. I am given to understand that the three Bills are expected to -

1. protect and assist the children;
2. promote the rights of children, and
3. set up the structures for the sound, physical, psychological, intellectual, emotional and social development of children.

The Bills come in the wake of the shocking death of the two-year-old child and the abuse of many other children. These Bills are going to set up the legal framework to protect children, our children. I will endeavour to make a few suggestions so that no one on the other side of the House will come and say that the Opposition never comes up with constructive criticisms.

Mr Deputy Speaker, Sir, at this very moment, while we are debating on the three Bills, there must be a few children who may be facing the risks of being victims of incest, rape, neglect, verbal and physical abuse, emotional deprivation, bullying, abandonment by parents, among others. The murky and gloomy list of cases that make the headlines must slap our conscience, must appeal to all of us not to dillydally when it comes to protecting children by extending our love, care, compassion and empathy towards those Mauritian children who are victims of different forms of violence and abuse. Parents, teachers, social workers are among those who interact the most with children and they are the ones who should stand up to provide the protective shield against the different types of physical, sexual, moral and psychological assaults and abuse on our children.

Mr Deputy Speaker, Sir, as mentioned earlier, I will examine the Bills from an educator's perspective. Hence, I refer to paragraph 14, dealing with corporal or humiliating punishment on child. Many children, who are victims of humiliating punishment, may not realize that they are being subjected to such a treatment. I explain myself; there are children who are made to believe that these humiliating punishments are for their own good. These humiliating punishments are so much encrusted in the family culture that they take them to be normal, acceptable, tolerable or conventional. We need to go one-step further to educate these children. Very often, these are the children who do not get access to such sensitization

campaigns or information. We need to develop the proper mechanisms to reach out these children with the help of fieldworkers and other professionals. I have known a few schoolchildren who are victims of humiliating punishments or abuse at home and it is not easy for them to come forward to talk openly about their ordeal. It is regarded as treason against the family member or the abuser. Breaking the silence surrounding abuse against children should be the first attempt in the quest for guaranteeing children that they fully enjoy their legal rights. Alongside, children and parents have to be brought up with the full notion of their duties as well. We need to strike a proper balance between driving home the notion of rights on the one hand and the need to assume their duties at home, at school and in society at large. It is imperative for us to provide children the necessary formal and informal education which will help them to protect themselves from corporal and humiliating punishment. For instance, not only the formal, but the informal curriculum at school should focus on addressing this issue both in the short and long terms.

I still believe that schools are the fertile grounds where we can sow the seeds for healthy lifestyle. One critical aspect of the healthy lifestyle is to endorse values like justice, fair play and mutual respect. Children have to be imbued with altruistic values which will empower them so that corporal and humiliating punishments are kicked out of our social norms. The way we treat children at home, at school or in society should be reviewed so that we uphold traditional values without undermining the legal framework meant to combat various forms of injustices, discriminations or abuses.

We should not forget that different studies have shown how children, who have been victims of different forms of abuse, may end up becoming abusers later on as adults. Children who are victims of abuse or ill-treatment grow up with serious emotional wounds which take more time to heal than the physical wounds. These children will have to be provided the necessary support so that they grow up into responsible individuals.

Mr Deputy Speaker, Sir, I will now refer to the Children's Bill, Part III - Offences Against Children Sub Part A - Offences parts 11 to 28. We have a long list of offences against children.

Here I would like to request an important amendment. My appeal is the following: would it not be advisable to include two more items as offences which will read as follows -

1. no person shall cause or allow a child to have access to any illicit drug, and

2. no person shall cause or allow a child to have any form of brainwashing leading to unlawful behaviour.

Mr Deputy Speaker, Sir, I think that an increasing number of children are being used by drug peddlers. It is important to protect our children from the risks of illicit drugs. We have to be conscious that even school students have become easy targets of drug traffickers.

Allow me to join my other colleagues present here, Members of the Parliament, to pay tribute to the 38-years old Woman Police Constable, Dimple Raghoo, an Anti Drug and Smuggling Unit Officer, who has been brutally killed in Mahebourg some time back while exercising her duty like a real fighter.

Furthermore, we should also protect our children from different forms of brainwashing which may hamper their harmonious development. They may be brainwashed by unscrupulous people who may abuse their innocence for their own sinister motives.

I will now refer to Sub-Part III paragraph 41 of the Bill, which reads as follows, 'Children with serious behavioural concerns'. I have to admit that our society is fast evolving. We have an increasing number of children who exhibit serious behavioural problems: industrialisation, fundamental changes in the family structure, time constraints, and different forms of stress impact seriously on the behaviour of children. These children who show signs of behavioural disorder will have to be provided with appropriate care and attention. For too long, these children in particular, have been neglected. I request that an important sensitisation campaign be launched once the Bill is voted so that we fully address this issue of serious behavioural problem.

Many children are not conscious of their acts and behaviour. Many are involved in hostile, aggressive and disruptive behaviour. I also propose that those children with serious behavioural problems be monitored by psychologists, or else, they may harm themselves or others. We need to provide support to these children ranging from psychological follow-up to proper anger management. Whether they are at school or outside, they have to be monitored by professionals. They have to be identified at home, at school and in society at an early age so that the appropriate follow-up can be undertaken. We have to set up the proper follow-up mechanism. We should engage parents in the process, but the problem is that we do not know how to ensure that all parents are fulfilling their parental duties efficiently.

Many parents are not even ready to assume their parental duties and responsibilities. Unfortunately, we do not have a proper mechanism to train would-be couples or couples who

need support so that they can discharge their parental duties and responsibilities properly. More and more couples, irrespective of the age, social or professional position or background, are facing tough times in bringing up their children, more and more educators and heads of school are facing defiant children in schools. Juvenile delinquency has to be addressed. Even Police Officers, members of Child Development Unit and *Brigade des Mineurs* are exasperated by the anti-social, aggressive and hostile behaviours of some of our youngsters when they are in group or when they have not been inculcated the proper social and moral values. There is, on the one hand, a serious deficit in the way some children are brought up, and on the other hand, the code of conduct expected from them. We need to harmonise same.

In terms of suggestion, I will recommend the introduction of the formal teaching and learning of emotional intelligence to deal with children with serious behavioural concerns. I shall strongly recommend that emotional intelligence be taught to all children right from the pre-primary up to the secondary levels, without neglecting those children who are no longer at school. Mr Deputy Speaker, Sir, I propose that the pre-primary and early primary education curriculum should be reviewed to address the issue of children with serious behavioural concerns. We need to ensure that our children develop the -

- (i) ability to understand and respect other viewpoints, values, cultures and traditions of their peers;
- (ii) ability to develop relationships, playfulness and cooperation with peers;
- (iii) ability to master their own set of emotions and reactions, anger, fear, anxiety, distress, and
- (iv) ability to understand and respect voices of authority at school, at home and elsewhere.

Mr Deputy Speaker, Sir, I will advocate to taking onboard the teaching and learning of emotional intelligence. I strongly believe that developing the emotional intelligence along with the multiple other forms of intelligence in children can help to reconstruct a better society. Many societal, moral, behavioural, cultural and psychological problems can be addressed by developing the emotional intelligence of our children who will grow with greater self-awareness and will be in a better position to navigate in their lives with greater self-confidence.

I know that educators who are currently following professional development training and courses are increasingly being exposed to the merits and benefits of emotional intelligence. Educators who have followed the module on emotional intelligence will be in a better position to equip their students with the necessary tools to better manage conflicts and crises, to better manage time, better manage stress, better manage human relationships and better protect themselves from abusers. Thus, emotional intelligence can help in curbing and curtailing the cases of bullying at home or school, harassment or humiliation of children, suicide among children, combat academic failure, transform poor self-esteem of children into self-respect and so on, among children. At home, at school and elsewhere, we have the duty of identifying those children who show signs of behavioural disorder in order to provide them support and help to address their problems.

Mr Deputy Speaker, Sir, I now refer to paragraph 13 of the Bill, which refers to ill-treatment of child, which makes provisions to protect children from different forms of abuse or ill-treatment. Ill-treatment can take the form of physical, verbal or sexual harm. While child abuse is often considered to take the form of an action, there are also examples of inaction that cause harm, such as neglect. Households, in which members suffer from alcoholism, substance abuse or anger issues, demonstrate higher occurrences of child abuse or ill-treatment as compared to households which are stable. Ill-treatment of children is widespread and can occur in any cultural, ethnic or income group. Unless we set up the proper structures to identify cases of ill-treatment, we will fail to provide the support required to the victims.

Mr Deputy Speaker, Sir, the Bill proposes the setting up of the Child Services Coordinating Panel which shall be responsible for the coordination of all activities relating to the implementation of this Act. The United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

I hope the Child Services Coordinating Panel will walk the talk and help to address the many forms of ill-treatment our children are subjected to. It will be the sole monitoring and coordination instrument at the disposal of parent Ministry to coordinate the implementation of this Act. I recommend that composition – (i) should specify representative at the level of a Permanent Secretary and not Junior Officers; (ii) minimum statutory meeting; (iii) entertain possibility for emergency meetings; (iv) if possible, to rope in officers from the Child Development Unit, Child Protection Unit and *Brigade des Mineurs* and others, and (v) the members of the Panel should receive further training both from the international and

local agencies in order to upgrade their skills and approach in dealing with child protection policies.

Ideally speaking, Mr Deputy Speaker, Sir, we should strive to set up the appropriate legal structures for the victims to come forward to denounce their abusers. Unfortunately, some victims may be introvert, and hence, refrain from coming forward to expose their abusers. The way our society looks at victims and the types of unsavoury comments which are made, often force the victims to opt to keep quiet. There are many impediments which lead many victims to adopt a defeatist attitude. Psychological and emotional traumas, lengthy legal procedures, social and cultural stigma, financial constraints often deter and dissuade young victims to come forward to seek justice. I hope the different Bills will address these issues. The sickening mentality to stigmatise, label, disparage the victims is still widespread in our society. I hope these Bills will help to change our mindset, and let us endeavour to develop an attitude which does not condone any form of abuse, in any aspect, in any form by whomsoever, but it already seems to be wishful thinking because our reality is so harsh.

Mr Deputy Speaker, Sir, let us join our hands and harmonise our intention so that our children benefit fully from these Bills. I wish that these Bills send the right signals of love, empathy and compassion so that we build a better society for our children to live and blossom fully. I hope that all our children, irrespective of their social, economic or religious backgrounds may aspire for a better and safer life, be it inside or outside their homes. It should be the legitimate aspiration of all children to have the possibility to live unharmed and to get unconditional love and unhindered protection that they lawfully deserve. Along with my hon. friends, on both sides of the House, I have a dream that our children will be brought up in safe, caring and friendly environments, be it at home, at schools or in society at large.

To end, Mr Deputy Speaker, Sir, I invite everyone to meditate on the song by Enrico Macias, who said -

“Malheur à celui qui blesse un enfant.”

Or as Siven Chinien used to sing -

“Dan zenfan ena bondie, ena kuran, ena la bible, ena gita.”

I hope that the suggestions I made above will be taken on board.

Thank you very much for your attention.

The Deputy Speaker: Thank you very much. Hon. Minister Teeluck!

The Minister of Arts and Cultural Heritage (Mr A. Teeluck): Mr Deputy Speaker, Sir, first of all, I would join my colleague to present my most sincere condolences on the demise of a police officer who was exercising her duty tonight.

Mr Deputy Speaker, Sir, I would be very brief because I believe there is no much of debate to be entertained on the Children's Bill, the Child Sex Offender Register Bill and the Children's Court Bill for they have squared the right provisions to meet their purpose and which are of paramount importance for the country. Like so many Members in this House, I am a father, a father of a little daughter, and tonight I intervene on these Bills not merely as a Member of this House, but, most importantly, as a guardian of my child, and I will wear this garb of a passionate and caring father to debate on these three pieces of legislation.

The Children's Bill, which Members are considering tonight, is a major milestone in the Mauritian children's legislation. It builds on the principles and fulfils the undertaking taken by the Government *vis-à-vis de la population* and the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Bill will improve the protection of our children, their welfare and the protection of their best interests. Sadly enough, the introduction of this Bill intervenes days after the demise of little Ayaan, an innocent soul victim of an act of violence of an extreme, barbaric and vicious nature. May his soul rest in peace! So many children have been victims of sexual abuse *et trop souvent au détriment de leur vie*. So many have been forced into civil or religious marriages when their age called for education, their age only called to enjoy childhood, so many have been ill-treated.

En juin 2020, à Cité Anoushka, une fillette de trois ans a été violée. La sœur de la petite victime, âgée de neuf ans, aurait également été victime d'abus sexuels. Et en 2005, la petite Anita, aged only of 2 ½ years, she was abused, raped and murdered.

Mr Deputy Speaker, Sir, this Bill has all its reasons to be. This Bill comes to remedy all those *lacunes* which existed in our legislation to offer better protection to our children. This Bill is complete, elaborate and precise. This Bill is precise to prohibit marriage of children under the age of 18. Not only we are aligning ourselves with international human rights standards, but setting the minimum age of marriage at 18 provides an objective rather than subjective standard of maturity, which safeguards a child from being married when they are not physically, mentally or emotionally ready. A person under the age of 18 does not even have the right to vote. If a person under the age of 18 is not even apt in law to choose whom

to vote, how can we even consider that this person will be apt to choose a spouse/a life partner? A minimum age of marriage of 18 will ensure that children are able to give their free and full consent to marry and have the minimum level of maturity needed before marriage.

Mr Deputy Speaker, Sir, this Bill is precise when it comes to criminal responsibility, this Bill provides for a child under 14 not to be held criminally liable for any act or omission. The law, as at now, does not provide for a statutory threshold, and liability is variable on a case to case basis. Very often, this may give rise to uncertainty, but with a statutory limitation we are bringing certainty to the law and the element of *discernement sous la loi* shall be expunged from the provisions of the law. All around the world, child offending experts, psychologists and criminologists agree that younger children have rarely developed the social, emotional and intellectual maturity necessary for criminal responsibility before the age of 14 years. The immature moral understanding of criminal offences and the limited behaviour, control capacity in younger children diminishes their culpability. We will all agree that young children think about moral and social issues and relations in ways that differ qualitatively from the ways in which all the children and adults think.

Mr Deputy Speaker, Sir, coming to the Children's Court Bill, the Children's Bill would seriously have been incomplete if the prosecuting limb in relation to protection of the best interest of children would not have been vested in a dedicated Court. With the specialised Court consisting of a Protection Division and Criminal Division, we are painting to reality *la volonté* to give our children justice. We are prioritizing justice and ensuring that matters relating to child affairs, of course, within the ambit of this law, are given priority and dealt with accordingly. Moreover creating a child-friendly environment during the intimidating and stressful prosecuting phase is what was required and is required today. We not only need to bring justice to our children, but also need to ensure that during court cases we reassure these vulnerable victims and bring comfort to them. Court cases should not be a traumatic phase to child victims, rather it should be reassuring.

Hon. Members of the House, as other Members have highlighted, let us forget about our political allegiance, let us forget that we are sitting here or we are sitting there, these Bills concern our children. These Bills will provide better protection to our children. These Bills will bring justice to all those innocent children who have been victims of animals in the guise of men or women.

We owe our children these Bills, we owe our country these Bills, and I commend my colleague, hon. Kalpana Koonjoo-Shah for bringing to this House these pieces of legislation and the Prime Minister, whom I know has personally invested time and effort to ensure that these Bills are laid before the House tonight.

Before ending, I would also like to comment my colleague, hon. Fazila Jeewa-Daureeawoo, who, during her last mandate, dedicated effort in the preparation of the first draft of the Bills.

Hon. Members, we can spend days and weeks debating on the pros and cons of this Bill. We can spend days and weeks debating on provisions which should have been or should not have been but whatever stand you may have, whatever comments or reserves you may have, I proudly share this House, this Chamber with Members sitting on this side of the House, particularly with the mover of the Bills and the Prime Minister and will with even more pride wake up tomorrow morning and say to my little daughter that this Government has had the guts to introduce the Children's Bill and voted for the introduction of the right law to ensure that the children of this country are protected under a strong legal framework.

God bless our children. God bless all those departed souls, victims of sexual or other forms of abuse.

I am done, Mr Deputy Speaker, Sir.

Thank you.

The Deputy Speaker: Thank you very much. Hon. Mrs Foo Kune-Bacha!

(10.59 p.m.)

Mrs K. Foo Kune-Bacha (Second Member for Beau Bassin & Petite Rivière):
Merci, M. le président.

Je me joins à mes collègues pour rendre hommage à la policière de l'ADSU qui a aujourd'hui perdu la vie dans l'exercice de ses fonctions.

M. le président, aujourd'hui ce n'est pas juste en tant qu'élu et citoyenne que j'interviens sur le *Children's Bill* mais aussi en tant que future maman d'un premier enfant.

Ce projet de loi aborde un sujet d'une importance capitale et dont la venue était très attendue et indispensable. Nos enfants sont indiscutablement notre plus précieuse ressource naturelle. L'avenir même de notre société repose sur le développement sain des enfants car ce

sont eux les bâtisseurs de demain. Ce sont eux les décideurs de demain. Investir dans nos enfants, c'est investir dans l'avenir du pays. Les enfants représentent 25% de notre population. Ce sont des êtres humains en développement et aussi des êtres humains à part entière.

Pourtant, les enfants sont vulnérables et ont besoin de plus de protection et de la garantie de droits spécifiques. Ils dépendent entièrement des adultes et ont aucun autre recours. C'est pour cela qu'en tant qu'adultes et décideurs, nous avons la tâche de les protéger des méfaits partout et tout le temps, de leur donner les outils nécessaires pour qu'ils puissent se développer de façon optimale et de veiller que les lois qui façonnent leur vie mettent au centre l'intérêt supérieur de l'enfant.

Je participe, aujourd'hui, au débat sur le *Children's Bill* pour apporter des suggestions et des critiques constructives avec pour but qu'à travers ce projet de loi –

- de permettre la libération de la parole sur les violences à l'égard des enfants;
- de protéger au mieux les enfants contre toute forme de violence et fléaux ;
- pour une meilleure application des conventions internationales dont l'île Maurice est signataire ;
- à une mobilisation de toute la société,
- et à la modification des pratiques qui soutiennent le mauvais traitement des enfants pour un changement pérenne.

M. le président, de toutes les violences, les violences exercées à l'égard des enfants sont certainement celles qui scandalisent le plus. Elles relèvent du domaine de l'impensable et portent en elles une injustice qui indigne.

L'état des lieux en chiffres montre l'ampleur du problème et en voici seulement quelques exemples: 6,225 est le nombre de cas apportés à la *Child Development Unit* l'année dernière où des enfants ont été victimes de différentes formes de violence, de mauvais traitements, d'abandon, de négligence, d'exploitation et de violence sexuelle.

C'est une hausse de 12% en comparaison à l'année précédente. De ces cas, 456 sont des cas d'abus sexuels et qui, dans 215 cas, ont entraîné des grossesses précoces. Ce ne sont que les chiffres des cas rapportés, donc rien que le sommet de l'iceberg mais déjà ces chiffres donnent froid au dos.

Ces violences peuvent avoir des effets négatifs sur la santé physique et mentale de l'enfant, affaiblissant sa capacité d'apprendre et de nouer normalement des rapports sociaux et ayant des conséquences néfastes sur son passage à l'âge adulte qui se répercuteront plus tard dans sa vie.

Les violences envers les enfants sont injustifiables et inacceptables, quelles qu'en soient les circonstances. Elles nous touchent aussi profondément parce qu'elles sont dans la grande majorité des cas commis au sein de la famille par les parents ou autres membres de la famille, ou sont souvent le fait de quelqu'un connu de l'enfant - aidant, enseignant, employeur, autorité policière ainsi que les autres enfants sont tous d'éventuelles responsables.

La prévalence de ces maltraitances est très élevée et le nombre croissant chaque année. Est-ce que la *Child Development Unit* est suffisamment équipée en ressources humaines techniques et financières pour traiter efficacement les cas de violence à l'égard des enfants?

Est-ce que de ces 6,225 cas rapportés l'année dernière, il y a eu des enquêtes adéquates dans tous ces cas? Et combien de ces enfants victimes ont trouvé justice? Et combien ont au contraire connu un pire sort?

Un élément essentiel de ce combat repose sur une justice et mettre fin à l'impunité où les auteurs de ces crimes rendent compte de leurs actes.

À travers le *Children's Bill*, nous adoptons des lois qui condamnent diverses formes de violence à l'encontre des enfants en temps qu'acte délictueux mais la réduction de ces actes n'est pas nécessairement vue comme une priorité en matière de prévention de la criminalité. Et il faut surtout faire en sorte que la police et les institutions de justice pénale prennent effectivement ces actes au sérieux et acceptent leurs responsabilités respectives en matière de protection de l'enfance.

M. le président, il est souvent difficile de recueillir les témoignages et la parole des enfants victimes de violences. Les policiers, les officiers de la *CDU* doivent être formés de manière adaptée afin de les aider à mettre des mots sur ce qu'ils vivent ou subissent. Afin que les échanges soient moins traumatisants et dans l'intérêt supérieur de l'enfant, je propose que ceci soit filmé afin d'éviter que les enfants n'aient à raconter plusieurs fois les violences vécues.

M. le président, mieux protéger les enfants passe par mieux accompagner les parents car la stabilité familiale est l'un des éléments les plus importants pour la protection des

enfants contre la violence. Souvent les enfants sont les victimes indirectes des violences conjugales ou sont eux-mêmes aussi maltraités. La prévention précoce est une des actions les plus efficaces pour lutter contre les violences d'où la nécessité d'alerter les parents avant même la naissance de leur premier enfant sur les conséquences dramatiques d'une exposition à des violences conjugales.

La prévention efficace nécessite aussi une forte sensibilisation du public avec l'aide des organisations sociales, culturelles et religieuses pour lutter contre la tolérance culturelle de la violence à l'encontre des enfants.

M. le président, j'accueille favorablement les peines plus sévères des délits de violence à l'égard des enfants. Et c'est avec soulagement que j'accueille les nouvelles offenses particulièrement contre le *bullying et le corporal or humiliating punishment on child.*

Le châtiment corporel, bien que cruel et dégradant - cette méthode de discipline est devenue presqu'un phénomène de société et normal dans la culture scolaire malgré son interdiction par le *Education Regulations* de 1957.

De plus, la punition corporelle normalise les actes de violence aux yeux des enfants et les instruisent à faire de même. Cette réforme juridique pour interdire le recours aux châtiments corporels en toutes circonstances est fondamentale car non seulement ceux-ci représentent une atteinte au respect de la dignité humaine des enfants mais aussi inefficaces et posent au contraire un risque important des faits préjudiciables à court et long termes, notamment en raison de leur impact négatif sur la santé physique et mentale, de même que sur leur développement. Étant donné la large acceptation traditionnelle des punitions corporelles, une interdiction ne peut à elle seule suffire à induire le changement nécessaire des attitudes et pratiques et nécessite d'autant plus un changement social. Une action globale de sensibilisation aux droits de l'enfant d'être protégé s'impose, et de promouvoir, sous les effets négatifs de la violence, les formes non-violentes de discipline et d'éducation.

M. le président, un élément important serait qu'à travers le *Children's Bill* qu'il puisse permettre une libération de la parole. Souvent, les enfants victimes de violence ne sont pas en mesure de dénoncer les infractions qui leur sont infligés de par leur vulnérabilité, mais également par les stratégies mises en place par les auteurs de ces violences pour dissuader les victimes de parler, tels que les chantages, menaces et harcèlement psychologique. Lorsque les victimes sont dans un rapport de proximité avec l'auteur, voire lorsque l'auteur est un

membre de leur famille, les dénoncer leur est très difficile, de peur d'être rejetées ou de ne pas être entendues ou crues. Ces sentiments de peur, de honte, voire de culpabilité les incitent à minimiser les violences subies ou à les nier. De ce fait, l'intervention des proches est déterminante pour constater et dénoncer les faits. Alerter, c'est protéger un enfant. Le devoir de signalement est un devoir légal et moral qui fait appel à la responsabilité de tout un chacun. Nous avons tous une obligation de défendre la sécurité et le bien-être des enfants, et cela consiste à notamment réagir efficacement lorsqu'un enfant est maltraité.

L'article 32(1) du *Children's Bill* oblige le signalement de tout mauvais traitement ou tout soupçon de mauvais traitement envers un enfant, mais cette obligation de signalement n'est pas claire et les paramètres pas suffisamment définis. Quelles sont les sanctions contre le non-signalement ? Un maillon important dans la lutte contre la maltraitance d'enfants est la dénonciation. La non-dénonciation pourrait avoir de lourdes conséquences et, à travers le signalement, des enfants peuvent échapper à de graves méfaits, voire la mort.

Afin de permettre un plus grand taux de dénonciation, il convient de sensibiliser les enfants à la question des violences et à leurs droits, car ces enfants ne connaissent en réalité pas d'autres lois que celle de leurs parents. Que fait-on pour s'assurer que les enfants connaissent les services de protection existants ? Des campagnes de sensibilisation pour informer les enfants de ces mesures sont indispensables, surtout dans les écoles, et mettre en place un système de signalement clair dans tous les établissements scolaires.

M. le président, je suis favorable à la nouvelle définition de l'enfant sous ce *Children's Bill*, qui s'entend de tout être humain âgé de moins de 18 ans et que sous ce projet de loi, le mariage en-dessous de 18 ans n'est pas autorisé et ne permet aucune dérogation. Cette mesure s'aligne à l'article 21(2) de la Charte africaine des droits et du bien-être de l'enfant et à l'observation générale numéro 20 du Comité des droits de l'enfant des Nations unies, et cette mesure renforce le potentiel de développement de l'enfant.

Les mariages précoces avant l'âge de 18 ans altèrent particulièrement les structures de vie des filles. Ils mettent souvent un terme à leur éducation, limitant leurs perspectives d'autonomisation et de développement social tout en leur faisant courir un risque accru de connaître la violence et les abus. Un mariage est censé être une relation qui dure toute une vie, mais un mariage précoce se fait dans des conditions où le couple n'a eu que peu ou pas de connaissance antérieure de l'un et l'autre et sera de toute évidence fragile. En dessous de 18 ans est la phase d'adolescence, le moment où l'enfant pose ses bases et acquiert de la

maturité en termes d'éducation, de sexualité, de compétence, de résilience et de connaissance, qui contribuent à son épanouissement et à son développement personnel de façon optimale. M. le président, en dessous de 18 ans est le moment où nos enfants ont le rôle de filles et de garçons et non pas d'épouses et d'époux.

M. le président, je salue qu'il existe désormais un seuil d'âge minimal pour la responsabilité pénale d'un mineur, mais néanmoins un enfant de 14 ans est trop jeune pour être tenu responsable de ses actes. Les normes internationales recommandent de tenir compte de la maturité émotionnelle, mentale et intellectuelle, afin de déterminer ce seuil. Les études démontrent qu'à un très jeune âge, le cerveau de l'enfant n'est pas suffisamment développé pour être pleinement en capacité de raisonnement moral et entièrement conscient de ses prises de décision. Posons-nous la question. Est-ce juste et dans l'intérêt supérieur de l'enfant de le rendre responsable quand il n'a pas encore plein conscience de ses actes ? Je partage l'avis de l'honorable Arianne Navarre-Marie que l'âge de la responsabilité pénale doit être revu à 16 ans.

M. le président, tout comme ma collègue, l'honorable Arianne Navarre-Marie, je trouve aussi troublant l'article 19(3) (B) du *Children's Bill*. Le terme 'attentat à la pudeur' désigne tout acte sexuel effectué portant atteinte à l'intégrité sexuelle d'une personne. Comment cela protège un enfant de ne pas criminaliser tout adulte qui porte atteinte à l'intégrité sexuelle d'un enfant âgé de 12 ans ou plus, même consentant ? D'un côté on condamne les abus sexuels, même avec consentement sur un enfant en dessous de l'âge de 16 ans, et de l'autre côté on ne condamne point tout attentat à la pudeur sur un enfant consentant de 12 ans ou plus. Cela devrait être rectifié.

M. le président, en vertu de l'article 28 de la Charte africaine des droits et du bien-être de l'enfant, l'État se doit de prendre toutes les mesures appropriées pour protéger l'enfant contre l'usage illicite des substances narcotiques et psychotropes et pour empêcher l'utilisation des enfants dans la production et le trafic de ces substances.

M. le président, la prolifération de la drogue parmi les enfants est grave et inquiétante. Selon une étude réalisée en 2017, un pourcentage important d'enfants consomment de la drogue ou ont déjà essayé, et cela très tôt, se situant en majorité dans la tranche d'âge de 13 à 14 ans. La situation est alarmante, d'autant plus que la drogue est présente dans les établissements scolaires. D'après le ministère de la Santé, le pourcentage des patients enfants traités entre 2016 et 2017 pour des complications dues à la consommation de la drogue est de

20%. Les enfants, de par leur vulnérabilité, représentent des proies faciles pour les marchands de la mort sans scrupules. Ils sont non seulement consommateurs, mais aussi impliqués d'une façon ou d'une autre dans le trafic de drogue. Les enfants, de par leur manque de maturité et naïveté, sont manipulés comme livreurs et mules. C'est à leur insu que ces enfants s'exposent à de graves répercussions.

M. le président, soucieux du bien-être des enfants, il nous faut enseigner aux enfants des valeurs et des compétences pratiques qui les guideront de manière qu'ils fassent des choix judicieux et les encourager à faire bon usage de leurs loisirs. Il faudrait plus de sensibilisation aux drogues dans le cursus scolaire, et les enfants doivent être informés des dangers de la consommation de drogue et des avantages d'un mode de vie sain. Fort de ces informations, ils seront mieux à même de dire non à quiconque leur propose des drogues.

M. le président, nous faisons face à un fléau d'une telle ampleur où la drogue détruit les vies de nos enfants et brise leur avenir. Il faut que la vente de drogue à l'enfant figure dans la section III du *Children's Bill* en tant qu'offense contre les enfants. La société et les lois se doivent de protéger les enfants contre la drogue.

M. le président, l'article 23, *Sale of alcohol to child*, interdit la vente d'alcool à un enfant par quiconque. La consommation d'alcool s'avère dangereux et nocif à l'enfant. Au même titre, le tabac et la cigarette sont également dangereux à l'enfant, et le *Children's Bill* devrait aussi bien interdire et sanctionner l'incitation à la cigarette et la vente de tabac, cigarette, ou papier à cigarette à un enfant.

M. le président, je salue que ce *Children's Bill* condamne lourdement les consultations, acquisitions, détentions et partages d'images de vidéos pédopornographiques et condamne le fait de forcer un enfant à visionner de la pornographie. Mais nous vivons dans un temps où désormais les enfants ont un accès sans précédent aux ordinateurs et aux technologies mobiles et les TICs sont devenues une partie intégrante de leur vie. Cette ère du numérique favorise l'accès aux contenus pornographiques aux enfants. Il suffit aujourd'hui de quelques clics pour y accéder, ce qui peut être préjudiciable à leur construction, leur sécurité et leur comportement. Il nous faut protéger nos enfants contre l'exposition à la pornographie et prendre les mesures nécessaires pour qu'ils bénéficient d'une protection lorsqu'ils naviguent sur internet, et cela en développant et simplifiant le contrôle parental sur l'usage digital en sensibilisant les parents aux risques du numérique pour leurs enfants et cette lutte passe également par une meilleure réponse aux questions légitimes des enfants sur la sexualité et de

standardiser l'éducation sexuelle à l'école. Nous devons passer des lois afin de filtrer les sites à caractère pornographique et les sites de contenus jugés inappropriés ou dangereux dans l'intérêt supérieur de nos enfants.

M. le président, j'accueille favorablement l'introduction d'un *Child Sex Offender Register Bill* où seront répertoriés les pédo-criminels et les agresseurs sexuels d'enfants. Ce registre est gardé et géré par le Commissaire de Police mais le public n'y a pas accès directement. Ne serait-ce pas dans l'intérêt supérieur des enfants lorsque les circonstances le justifient que le registre des *Class 3 Offenders*, ceux qui ont été condamnés pour des crimes monstrueux envers les enfants, soit consultable par un membre du public ? Il y va de la sécurité des enfants de pouvoir s'assurer que les personnes à qui nos enfants sont exposées ne soient pas des pédo-criminels de la pire espèce.

Pour conclure, M. le président, à travers le *Children's Bill* nous avons le devoir de mettre en place le meilleur environnement possible pour garantir les droits des enfants afin de favoriser le développement de leur capacité, de défendre leur sécurité en les protégeant contre toutes formes de mauvais traitement et contre la drogue, et en permettant la libération de la parole des enfants et des adultes sur les violences à l'égard des enfants. Cela est un geste simple qui peut sauver des vies.

M. le président, afin d'atteindre les objectifs d'un changement concret en faveur de la sécurité du bien-être de nos enfants, il serait important de combiner les changements législatifs qu'apporte ce projet de loi à un changement social, où est mis à disposition de la population, les connaissances sur les comportements énormes, sociales, favorables au respect des droits des enfants. Par cela, la société sera mieux outillée à fournir aux enfants un encadrement plus adéquat, dans un contexte social rendu plus sensible et respectueux des droits à la protection des enfants, où les individus seraient rendus plus conscients des conséquences de certains comportements préjudiciables à la protection et à l'épanouissement des enfants.

Je termine, M. le président, par citer une phrase de Nelson Mandela -

“Nous devons à nos enfants, citoyens les plus vulnérables de notre société, une vie sans violence ni peur.”

Je vous remercie de votre attention.

The Deputy Speaker: Thank you very much! Hon. Léopold!

Mr J. B. Léopold (Second Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir. I am glad tonight, Mr Deputy Speaker, Sir, to participate in this debate as it is such a good legislative framework for the protection and care of our children.

These Bills which are altogether dealing with the protection of children have been circulated for quite some time now. From what I have heard, I believe that there is a wide community support for this Policy Framework. This denotes, Mr Deputy Speaker, Sir, that on the basis that children's rights to safety and protection from harm is paramount to the people of this country. And the Central Government has taken the time needed for the introduction of these Bills into this House so that necessary consultations be done; and the end result is that the Policy Framework on this Bill is straightforward and simple which aims to protect the most vulnerable members of our community.

The preparation of this Bill has also gone through the guidance of successive Ministers of Gender Equality and Family Welfare, who are from different political background and different political parties as well, which are very useful in a way for the population of such type of Policy Framework. This Bill, as we all know, without the need to go into details, align the country to all treaties which have significant impact on children's rights to which the Republic of Mauritius is a signatory. It is about child health and social welfare, child education, protection of child labour and exploitation, protection of sale and trafficking of children and juvenile justice.

Mr Deputy Speaker, Sir, it is very important that this Bill makes provision for a Sex Offender Register. We all know the harms that child sexual offenders cause to the victims are significant and long-lasting. This tool is very important as it will help in the monitoring of offenders with the aim of preventing, reoffending and keeping our children safe. To give further protection to children in regard to sex offenders, the introduction of a further register, that is, working with children check register will be of good help. This is a screening process for constantly assessing people who work with children by going through detailed check of criminal history of any individual who works with children and by also looking at the past professional conduct to protect children from sexual and physical harm.

Mr Deputy Speaker, a Sex Offender Register is very important to prevent the risk of sexual offences, but, are sex offenders normal people? If no, a Sex Offenders Register alone may not be adequate to bring preventive measures to children. Sex offenders usually have issues of mental illness, and therefore, it is important that examination into diagnosis and

treatment be done. There have been cases of sexually motivated murder, rape and child abuse in our country. Therefore, a register may not be adequate to control a sexual offender when they return to our society after incarceration.

Finding ways to treat, manage and supervise offenders are important. Is it not time after cognitive behavioral treatment failed onto people of recurrent abnormal sexual behaviors and people who are likely to molest, assault and rape again to be kept indefinitely in a psychiatric setting or in a treatment centre for the sexually dangerous? Dangerous sexual offenders should not be kept in the communities to monitor. If they are judged to be dangerous, the predictive probability of future crimes must always be considered and a punitive model of containment may be considered, otherwise a Psychopharmaceutical means of treatment are to be done to control their behaviours which will predispose them to commit violent sex crimes on children.

What I am trying to highlight here, Mr Deputy Speaker, Sir, is: determine sexual offenders with mental illness need to be given special attention. We will have to come with more evaluation techniques by mental health practitioners so as, as I have said, this special population be given special attention as even with the effectiveness of sexual offender register, their successful adjustment to the community may pose problem.

Therefore, it is important to come with important legislation with a more severe penalty to combat child abuse and leave no gap in laws so as to not render any child vulnerable. We also need broad understanding to the real causes of child abuse and neglect so as to be able to create strategies to assist. The causes of child abuse are multi-factorial, it is a problem of society where most of the time exacerbated by problems of domestic violence, substance abuse, inadequate housing, marital conflicts, lack of parental skills among others.

Therefore, we will need a legal policy framework, yes, but also engage the society and community to help in promoting better access to sustainable solution by giving best support and outcomes to the problems of child abuse and neglect.

As I stated earlier on, this Bill has circulated for quite some time and most of the people whom I met, people of different educational background, are happy with the policies formulated in these Bills to respond to child abuse and neglect.

Mr Deputy Speaker, Sir, these Bills mean so much for the children of this country. I, therefore, welcome these Bills which will bring additional protection to children.

I have to thank the hon. Minister of Gender Equality and Family Welfare and her team for being able to bring these Bills to Parliament and for her leadership. I also need to

thank the hon. Minister for her laudable and courageous action in bringing appropriate changes in allowing victims to depone in a stress-free environment and do away with the stressful and intimidating court procedure as regards to the Children Court Bill.

I hope, Mr Deputy Speaker, Sir, that the structural change be done at the Court level throughout the whole Republic of Mauritius to make this change functional, and this is my participation to this Bill.

I thank you for your kind attention.

The Deputy Speaker: Thank you very much. We shall break for 10 minutes, please.

At 11.33 p.m., the sitting was suspended.

On resuming at 11.40 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Thank you very much. Please be seated. Hon. Dr. Jagutpal!

Dr. Jagutpal: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

The Deputy Prime Minister seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Deputy Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Thursday 03 December 2020 at 3.00 p.m.

Dr. Jagutpal seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

At 11.41 p.m., the Assembly was, on its rising, adjourned to Thursday 03 December 2020 at 3.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

MBC – FINANCIAL SITUATION

(No. B/912) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain therefrom, information as to the present financial situation thereof, indicating, for the past two financial years the -

- (a) quantum of debts it has contracted with financial institutions, and
- (b) revenue collected on a yearly basis, giving details thereof.

Reply: The Mauritius Broadcasting Corporation has informed that, at the end of year 2014, the then MBC management left the Corporation with a total debt amounting to over a billion rupees. Since 2015, bold remedial measures have been taken, as a result of which the financial situation of the MBC has improved significantly.

The measures taken to ensure the financial sustainability of the Corporation included cost management initiatives at all levels and rationalisation of staff costs, overseas missions, and other operational costs.

Moreover, as at June 2020, the MBC has a total debt of Rs160.85 m., compared to over one billion in 2014, representing a decrease in debt by 84.5%.

It is also noteworthy that, as at November 2020, the MBC has a bank balance of Rs432 m., compared to 2014, when there was no cash at all at bank.

In regard to part (a) of the question, the Corporation has not contracted any debt during the past two financial years, except for the acquisition of eight vehicles on finance lease from MauBank for a total sum of Rs8 m. The MBC has already reimbursed the sum of Rs1.25 m. and the remaining balance is Rs6.75 m.

Besides, over the same period, the Corporation has reimbursed a sum of Rs23 m. on a loan of Rs110 m., contracted in the year 2011 from the State Bank of Mauritius Ltd. There is a remaining balance of Rs87 m. to be reimbursed. It is to be noted that the loan of Rs110 m. was not reimbursed due to financial constraints and it has consequently been rolled over with interest rates payable between 7.15% and 8.80% per annum. In May 2018, the loan was converted into a long-term loan of ten years at the rate of 6.75 % per annum. The first capital refund started in June 2018, at the rate of Rs11 m. yearly.

The Corporation also has a debt of Rs67 m. comprising Rs49 m. due on a loan from the Government of China for the MBC Headquarters project and Rs18 m. representing Government loan for the 2014 election.

In regard to part (b) of the question, the MBC has informed that the total revenue collected for the past two financial years was as follows -

- for financial year 2018-2019, Rs879,492,275 comprising Rs623,229,009 as TV licence fee, Rs226,263,266 as advertising and other income and Rs30,000,000 as dividend received from MC Vision, and
- for financial year 2019-2020, Rs880,386,054 comprising Rs636,790,732 as TV licence fee, Rs213,595,322 as advertising and other income and Rs30,000,000 as dividend received from MC Vision.

ELECTORS - REGISTRATION

(No. B/913) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the exercise for the registration of electors in Mauritius, he will state if consideration will be given for amendments to be brought to the electoral laws with a view to making provision for same to be a continuous process till the date of issue of the Writ of Election and, if so, when.

Reply: To remind, the registration of electors in the Republic of Mauritius is dealt with under Part II of the Representation of the People Act which has to be read together with sections 41 to 44 of the Constitution which, *inter alia*, define the responsibility of the Electoral Supervisory Commission and that of the Electoral Commissioner in relation thereto.

Our legislation provides that a person must be registered as an elector in order to vote in an election. Every year, usually in January, a “house to house” inquiry is conducted followed by the publication of a provisional register of electors (known as electors’ list).

Thereafter, usually in the month of May, the provisional register of electors is made available to all citizens in Mauritius, Rodrigues and Agalega for consultation in Registration Centres. Any person may make representations regarding any claim he or she may have with regard to his or her eligibility to be registered and also to make any objection.

The register of electors, which is compiled and published as a result of these exercises, comes into force on 16 August, pursuant to section 4(3) of the Representation of the People Act.

To also remind, it was announced in the Government Programme 2020-2024 that Government will pursue its initiative to bring an electoral reform that will ensure political and social stability in the country and higher women participation.

Any proposal for amending the process for registration of electors may be considered in the context of the electoral reform and this will require extensive consultations with the Electoral Supervisory Commission, the Electoral Commissioner and other relevant stakeholders.

MINOR M. A. R. - POST MORTEM EXAMINATION

(No. B/914) Mr A. Ittoo (Third Member for Vacoas & Floréal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to minor M. A. R., who passed away on or about 12 November 2020, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the post mortem examination carried out in relation thereto.

Reply: One reply is made to these two questions which relate to the same subject matter.

The Commissioner of Police has informed that, on Friday 13 November 2020 at 10.11 hours, one Mrs N.B., housewife and residing at Martine Road, Montagne Blanche made a declaration at Midlands Police Station to the effect that on the same day at 08.15 hours, when she proceeded to her sister's place, one Mrs B.N.B, at Mosque Road, Midlands, to attend the funeral of her late nephew minor M.A.R, she noticed bruises on the left side of his forehead and cheek. Mrs N.B questioned her sister on the injuries but was not satisfied with the explanation given by the latter. She suspected that her nephew had been assaulted.

Subsequently, Police proceeded to the residence of Mrs B.N.B., took over the body of M.A.R and conveyed it to the Mortuary of the Princess Margaret Orthopaedic Centre, Quatre Bornes for post mortem examination.

An autopsy was carried out on the same day at 18.30 hours by a Principal Police Medical Officer who certified the death being due to "Acute peritonitis following traumatic bowel (Battered Child)".

The Commissioner of Police has further informed that an investigation has been initiated by the Major Crime Investigation Team (MCIT), Central CID.

As regards part (a) of PQ B/915, on Monday 16 November 2020, one Dr. N.S., Medical Practitioner has been arrested and released on parole. On Tuesday 17 November 2020, she was provisionally charged with the offence of '*Medical Practitioner issuing false certificate*' in breach of Section 118 of the Criminal Code before the Magistrate of District Court of Grand Port and was released on bail after furnishing a surety of Rs40,000 and a recognizance of Rs150,000 with conditions.

With regard to part (b) of the same PQ B/915, the Commissioner of Police has also informed that on Friday 13 November 2020, Mrs B.N.B., the mother and Mr S.M.A.S stepfather of the deceased were arrested. On Saturday 14 December 2020, they were both provisionally charged with the offence of 'Murder' in breach of Section 216 of the Criminal Code before the Bail and Remand Court. Police objected to their release on bail and they were remanded to Police cell. On Monday 16 November 2020, they were provisionally charged with the same offence before the Curepipe District Court and were remanded to Police cell until Monday 23 November 2020.

Additionally, during the course of the investigation, one Mr M.M.A.E., a Police Corporal was arrested on Tuesday 17 November 2020 and detained.

On the next day, he was provisionally charged with the offence of 'Conspiracy' in breach of Section 109 of the Criminal Code (Supplementary) Act before the District Court of Grand Port. He was released on bail after furnishing a surety of Rs40,000 and a recognizance of Rs135,000. He has been interdicted from duty as from Wednesday 18 November 2020.

The investigation is ongoing.

MINOR M. A. R. – DEATH – INQUIRY

(No. B/915) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to minor M. A. R., who passed away on or about 12 November 2020, he will, for the

benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry initiated into the death thereof, indicating if -

- (a) a medical practitioner is suspected of having issued a death certificate in relation thereto with inaccurate cause of death in exchange of pecuniary gain, and
- (b) actions have been taken against suspects in connection therewith.

(Vide reply to PQ B/914)

DRUGS (DANGEROUS) - SEIZURE - DECEMBER 2019-NOVEMBER 2020

(No. B/916) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to hard drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the quantity thereof seized since December 2019 to date, indicating the -

- (a) market value thereof, and
- (b) number of drug dealers arrested in connection therewith, if any.

Reply: The term 'hard drugs' is not defined either in our legal system or in International Drug Conventions. It is, therefore, assumed that the hon. Member is referring to drugs as cited under the Dangerous Drugs Act 2000.

Details of the quantity and market value of the different types of dangerous drugs seized for the whole period of January 2019 to date are annexed.

Regarding part (b) of the question, 1,551 persons have been arrested for 'Drug Dealing' for the period December 2019 to Wednesday 18 November 2020.

The fight against drug abuse and illicit trafficking assuredly remains one of the Government's priorities in its endeavor to promote a safer and healthier society.

MBC - DIRECTOR GENERAL

(No. B/917) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the

Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to –

- (a) since when the post of Director General thereof is vacant, indicating who has been appointed in an acting capacity;
- (b) when the vacancy will be filled, and
- (c) if the Corporation is presently fulfilling its duties in a fair and equitable manner as per section 4 of the Mauritius Broadcasting Corporation Act, in particular, with regard to the broadcast of news bulletins.

(Withdrawn)

SIR GAËTAN TUG - CREW MEMBERS - DEATH

(No. B/918) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the death of three crew members of the Sir Gaëtan tug which sunk on 31 August 2020, he will, for the benefit of the House, obtain from the Mauritius Ports Authority, information as to –

- (a) if any compensation has been paid to the bereaved families and, if so, when, and
- (b) the additional support extended to the families to alleviate their hardship.

(Withdrawn)

SSR INTERNATIONAL AIRPORT - PRIVATE JETS - LANDING - 20

MARCH 2020 TO 24 NOVEMBER 2020

(No. B/919) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to private jets, he will state the number thereof that have been granted permission to land at the Sir Seewoosagur Ramgoolam International Airport since 20 March 2020 to date, indicating in each case –

- (a) the date of application and approval thereof;
- (b) the number of passengers;
- (c) their respective ports of embarkation;
- (d) purpose of the visit, and
- (e) if all quarantine procedures were followed for the passengers and members of the crew thereof.

(Withdrawn)

DRUGS - CONSUMPTION REDUCTION - MEASURES

(No. B/920) Mrs J. Tour (Third Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the quantity thereof seized over the period 2019-2020, indicating the –

- (a) additional measures/programmes being envisaged to reduce the consumption thereof, and
- (b) data/reports in relation thereto being analysed to adapt Government response to combat the trafficking thereof.

(Withdrawn)

LA TOUR KOENIG - DRUG PROLIFERATION - MEASURES

(No. B/921) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues, Outer Islands and Territorial Integrity whether, in regard to the La Tour Koenig Commercial Centre, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the incidence of drug proliferation lately observed in the vicinity thereof, especially, in the morning and in the afternoon, indicating the measures taken in relation thereto.

Reply: The Commissioner of Police has informed that the region of La Tour Koenig falls within the policing jurisdiction of Metropolitan South Division and the station area of La Tour Koenig Police Station. It is a residential area of about twenty thousand inhabitants living mostly in NHDC apartments, Terasson and Old La Tour Koenig. The area of La Tour Koenig comprises –

- (a) a Commercial Centre;
- (b) the University of Technology Mauritius (UTM);
- (c) the New La Tour Koenig School;
- (d) the Old La Tour Koenig School;

- (e) MEDCO Bhujoharry College;
- (f) Frank Richard State Secondary School;
- (g) Government Printing Department, and
- (h) NHDC apartments.

La Tour Koenig Commercial Centre, commonly known as “Sheridan”, consists of a supermarket, shops, a hardware store and a mini market among other outlets. It is at a distance of 100 metres from La Tour Koenig Police Station.

The Commissioner of Police has further informed that ADSU has not received any complaint regarding drug proliferation at La Tour Koenig. In addition, in accordance with the assessment of ADSU Officers, there is no proliferation of drugs in the vicinity of La Tour Koenig Commercial Centre.

However, since 2017, with the distribution of methadone in the yard of La Tour Koenig Police Station, around 130 persons from La Tour Koenig, Petite Rivière, Grande Rivière North West and Pointe aux Sables, amongst others, gather thereat for their daily intake of methadone. After consuming their methadone, these persons keep on hanging around in the vicinity until they eventually leave for their place of residence. During the methadone distribution time, Police presence has been enhanced with foot and mobile patrols by regular Police, ADSU, ERS, DSU and the local CID with a view to ensuring order.

The distribution of methadone is carried out under Police supervision at all times so as to ensure law and order, prevent illegal activities and provide protection to the personnel of the Ministry of Health and Wellness.

Nonetheless, ADSU has taken a string of measures to prevent proliferation of drugs in the region of La Tour Koenig, as follows –

- (a) targeted operations, including regular crack down operations are being carried out;
- (b) information and intelligence gathering on drug trafficking and criminal activities through Field Intelligence Officers of ADSU and other sources are being constantly carried out;

- (c) close monitoring of the movement of known drug dealers who live in the surrounding areas of La Tour Koenig;
- (d) the ADSU Education Cell carries out regular sensitisation campaigns in educational institutions, youth clubs and in other venues so as to instil awareness about the destructive effects of drugs and the legal implications which may arise, and
- (e) ADSU is working in close collaboration with the Crime Prevention Unit of the Mauritius Police Force and La Tour Koenig Police Station to strengthen its partnership with the inhabitants so as to address community concerns, such as drugs and other illicit activities more effectively.

The Government's unflinching commitment in the fight against drugs is emphatically reiterated.

PAILLES – SMART CITY PROJECT

(No. B/950) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Finance, Economic Planning and Development whether, in regard to the Domaine Les Pailles, he will, for the benefit of the House, obtain from the State Investment Corporation, information as to if any project has been earmarked for implementation thereat and, if so, indicate the –

- (a) scope thereof;
- (b) cost involved therefor, and
- (c) mode of financing thereof.

Reply: J'ai été informé qu'en août 2015, la *State Investment Corporation Limited (SIC)* a conclu un pacte d'actionnaires avec *Yihai International Investment Management Limited* pour mettre en œuvre un projet de *Smart City* à Pailles.

En ce qui concerne la partie (a), le projet comprendra un développement d'infrastructure mixte, consistant en la construction de pôles résidentiels (appartements, *penthouses* et villas), de bureaux, de commerces et d'infrastructures récréatives.

J'ai en outre été informé qu'un certificat de *Smart City* concernant le projet a été délivré par l'*Economic Development Board* en octobre 2019 et que les travaux ont commencé.

En ce qui concerne la partie (b), l'ensemble du projet sera réalisé en trois phases. La phase 1 coûtera 10,21 milliards de roupies.

Les coûts des phases 2 et 3 seront établis dans un *Business Plan* distinct, qui sera approuvé par les actionnaires de la *joint venture*.

En ce qui concerne la partie (c), la phase 1 sera financée par des capitaux propres, prêts et revenus générés par les opérations.

La structure de financement des phases 2 et 3 sera elle aussi élaborée dans un *Business Plan* distinct, qui sera défini et approuvé par les actionnaires de la *joint venture*.

MARE CHICOSE LANDFILL STATION

(No. B/951) Mr A. Ameer Meea (Third Member for Port Louis Maritime & Port Louis East) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the Mare Chicose Landfill Station, he will state the –

- (a) percentage of fill, and
- (b) monthly running costs thereof.

Reply: The Mare Chicose Landfill started operation in 1997 and has been progressively developed in a staged manner, starting from Cell 1 to the most recent Cell 8. Increasing solid waste generation is a major issue worldwide and Mauritius is no exception. In 2014, 458,510 tons of solid wastes were generated across the island, with this figure reaching 537,147 tons by the end of 2019. Considering solid wastes generation trend over the past 10 years, it is found that waste generation is increasing at an average annual rate of 3.1%. My Ministry is taking measures to address this challenging situation.

As regards part (a) of the question, the development of cells for the provision of landfilling space takes place in a phased manner. Since the start of operations in 1997, 8 Cells have been developed in a sequential manner and around 9.2 million tons of wastes disposed on site. Cells 1 to 8 have been filled. However, optimization works are gradually being carried out over part of the plateau area of Cell 7 and Cell 8 to provide for disposal capacity up to June 2021. Around 15% of the expected optimized additional disposal space, over an approximately area of 40,000 square metre, has been filled.

Regarding part (b) of the question, the two major contracts are running concurrently at the Mare Chicose landfill. These are –

- (i) the “Construction of Cells, operation, maintenance and post closure management at the Mare Chicose Landfill”, which currently caters for post closure management on closed cells only encompassing activities such as environmental monitoring and minor repair works. Expenditure under this contract amounts to about Rs2 m. per month, and
- (ii) the “Construction of Cell 7 and Operation and Maintenance of Cells at Mare Chicose Landfill” which currently involves construction works to create void space, landfilling operations and maintenance in active Cells. The landfilling Operations and Maintenance costs is on average about Rs17 m. per month.

It is worth highlighting that the monthly running cost of the landfill is not fixed as it depends on variables such as the amount of wastes landfilled, and leachate carted away, which in turn, depends on rainfall.

LES SALINES – OIL SPILL – CLEAN-UP OPERATIONS

(No. B/952) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to the recent oil spill in Les Salines, he will state –

- (a) when was his Ministry made aware thereof and by whom;
- (b) if the Central Electricity Board is the pollutant and, if so, indicate the actions taken against the Central Electricity Board;
- (c) where matters stand in terms of the clean-up operations undertaken, and
- (d) whether he is in presence of any report with regard to contamination of ground water, rivers and canals in the surroundings in relation thereto.

(Vide Reply to PQ B/926)

CONSTITUENCY NO. 15 - DRAINS

(No. B/953) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the cleaning, maintenance and construction of drains in Constituency No. 15, La Caverne and Phoenix, by the Municipal Council of Vacoas/Phoenix, he will, for the benefit of the House, obtain from the said Municipal Council –

- (c) the list of such projects which are ongoing, and
- (d) information as to why the construction of drains have remained incomplete since last year at Ally Lane, in Mesnil.

Reply: With regard to part (a) of the question, I am informed by the Municipal Council of Vacoas-Phoenix that for Constituency No. 15, 86 sites have been earmarked for cleaning of drains in consultation with the Land Drainage Authority and this is an ongoing activity.

As regards the construction of new drains, I am informed that drains are presently under construction at the following four sites for Constituency No.15 –

- (a) 50 metres of drain at Paillotte, Vacoas;
- (b) 150 metres of drain at Vingta Road No. 3, Vacoas;
- (c) 60 metres of drain at Terre Rouge Road, Camp Fouquereaux, and
- (d) 90 metres of drain at Cité Palmerston.

I am further informed by the Municipal Council of Vacoas-Phoenix that it is also upgrading drains at another four sites, namely at Solferino No. 1; Clairfonds, Phoenix; Remy Ollier, Phoenix; and La Caverne. Works at the first two sites have already started and for the remaining two, works would start by end of November 2020 and first week of December 2020 respectively.

I am placing in the Library of the National Assembly a copy of the list of drains where cleaning, upgrading and construction of new drains are being undertaken by the Municipal Council of Vacoas-Phoenix.

With regard to part (b) of the question, I am informed by the Ministry of National Infrastructure and Community Development, National Development Unit that the project construction of drain at Ally Lane, Mesnil was being undertaken by its contractor. However, the contract was terminated on 04 September 2019 for poor safety and security measures

adopted on site and slow progress of works, thereby failing to comply with its obligations to deliver the project on time, leading poor performance. Only 40% of the works were completed by the contractor.

On 14 October 2019, the National Development Unit had requested the Municipal Council of Vacoas-Phoenix to carry out remedial works at Ally Lane, Mesnil and also consider the completion of the drain project thereat.

The Municipal Council of Vacoas-Phoenix has, at its meeting of 23 October 2019, decided that the remedial works could be undertaken by it so as to secure the site by placing drain covers and same was done. Presently, patching works are in progress and same would be completed in two weeks' time.

I am informed by the National Development Unit that it would consider completing the project Construction of Drain, Ally Lane during the next financial year, subject to availability of funds.

METRO EXPRESS PROJECT - PHASE II - COMPLAINTS & INFORMATION DESK

(No. B/954) Mr K. Lobine (First Member for La Caverne & Phoenix) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to the ongoing Phase II of the Metro Express Project, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas/Phoenix, information as to –

- (a) if a permanent information desk has been put in place at the Town Hall of the Council in relation thereto and, if so, indicate when same was set up and, if not, why not, and
- (b) the expenditure incurred by the Council as at to date in relation to the works being effected on the plot of land earmarked to temporarily relocate part of the Vacoas Market fair.

Reply: The Metro Express Project is a project of national interest consisting of 26 km rail alignment with a total of 19 stations to alleviate traffic congestion and providing a rapid mode of public transport along the corridor of Curepipe to Port Louis.

The implementation of infrastructural developments of such magnitude causes inconveniences to citizens, commuters and road-users due to diversions and temporary closure of certain roads.

However, with a view to keeping the population informed and updated on the project, the Ministry of Land Transport and Light Rail, in collaboration with all stakeholders, namely Metro Express Ltd, the contractor Larsen & Toubro, Police Department and relevant Municipal Councils, has rolled out a communication plan for the whole project. This communication campaign, which is spearheaded by Metro Express Ltd, has been effective throughout the Phase I of the project and is, therefore, being maintained for the Phase II thereof.

In regard to part (a) of the question, I am informed by the Municipal Council of Vacoas-Phoenix that a permanent Complaints and Information Desk is in place at the Town Hall. This desk which looks into all matters relating to services provided by the Council, as well as provides information and registers grievances with regard to the infrastructural works being carried out in relation to project. These grievances are then forwarded to the appropriate stakeholders for necessary actions at their end. Moreover, information regarding the project is also posted on the Municipal Council's website and the electronic board at the Town Hall. This task has been effectively conducted by the Complaints and Information Desk so much so that the need of an additional desk was not felt.

With regard to the information campaign, I am also informed that –

- (i) a multi-stakeholder team comprising relevant Members of National Assembly, Governmental institutions, Councillors, Metro Express Ltd and Larsen & Toubro, is engaged in provision of information regularly to inhabitants along Sivananda Avenue;
- (ii) public relation exercises have been carried out by Larsen & Toubro prior to the start of the works, and
- (iii) extensive communication has also been done through radio/television and social media platforms.

In addition, monitoring meetings chaired by the Minister of Land Transport and Light Rail are being held weekly at the level of the Municipal Council of Vacoas-Phoenix since 17 February 2020.

With the implementation of the Metro Express Project along Sivananda Avenue, part of the Vacoas Fish and Meat Market, which lies within the alignment of the Metro Express, has been demolished and the stallholders have been relocated within existing space in the Market

building. Expenses to the tune of Rs2,175,000 have been incurred for the partial demolition of the building and the upgrading of the market.

With regard to part (b) of the question, I am informed that some 50 stalls of the Vacoas Fair, comprising stalls such as vegetable, haberdashery, fruits, and kiosks will be relocated temporarily on a plot of land in the premises of the SMF Quarters in a few weeks in due to a road development project along Palmerstone Street. A sum of Rs274,741 has been spent for works carried out on that plot of land.

To ensure that the relocation is carried out seamlessly, meetings were also held on several occasions with stallholders of Vacoas Fair and flyers have been distributed to disseminate information pertaining to the implementation of the project. Municipal Health Inspectors are also in personal contact with the stallholders on fair days.

CHILD DEVELOPMENT UNIT - VIOLENCE & ILL-TREATMENT CASES

(No. B/955) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Gender Equality and Family Welfare whether, in regard to babies and children, she will state the number of cases of violence and ill-treatment thereof reported to the Child Development Unit since June 2019 to date, indicating the number thereof –

- (a) which have been fatal, and
- (b) in which parents and relatives thereof are the suspects.

Reply: According to records since June 2019 to date, in regard to babies and children, a total of 5,719 cases of violence and ill-treatment have been reported to the Child Development Unit. One case has been fatal and in 662 cases, parents and relatives are suspects and criminal enquiry is ongoing at the level of the Police.

COVID-19 - INCOMING PASSENGERS - QUARANTINE PROTOCOL

(No. B/956) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the incoming passengers, he will state if they are made to strictly observe the mandatory quarantine protocol, indicating the –

- (a) quarantine period, and

(b) country of embarkment thereof in respect of which the highest number of patients tested positive has been registered.

Reply: At the very outset, I wish to inform the House that all incoming passengers from abroad are strictly made to observe the mandatory quarantine protocol to the letter.

As mentioned on the website of the online booking platform of the Mauritius Tourism Promotion Authority (MTPA), all COVID-19 negative passengers, including children and infants, travelling to Mauritius must possess a certificate of a negative COVID-19 PCR test administered between 5 and 7 days prior to the date of boarding at the last point of embarkation. Secondly, all incoming passengers must hold a valid air ticket to Mauritius and thirdly, have to submit proof of purchase of a travel package including accommodation, on a full-board basis, at a designated hotel for a mandatory 14-day in-room quarantine.

With regard to part (a) of the question, I am informed that in line with existing sanitary protocols, all incoming passengers are quarantined for 14 days as a matter of routine. However, the passenger/traveller is made aware, subject to a medical checklist, that the quarantine duration could or may be extended beyond the initial 14-day period.

In the event a PCR test reveals that a person is COVID-19 positive, the Regional Public Health Superintendent in charge of the quarantine facility is informed and the Rapid Response Team of my Ministry transfers the patient for treatment to the New ENT Hospital (COVID-19 Treatment Centre) under Police escort.

The patient undergoes another PCR test on Day 7. If found positive, the patient remains at the New ENT Hospital and is tested again on Day 14. However, if on Day 7, the PCR test is negative, the patient is tested again after 24 hours. Upon confirmation of two consecutive negative PCR tests, the patient is transferred to a designated COVID-19 quarantine facility until Day 14.

Outright, I wish to inform the House that my Ministry is assuming primary responsibility of all incoming passengers from the very moment they arrive at the airport until they leave for their designated quarantine hotel.

Additionally, a dedicated team has been set up at the level of my Ministry to take charge of all passengers soon upon their arrival at the airport to ensure that all sanitary protocols are scrupulously adhered to.

Central to this process are the procedures that have been divided into stages and each stage is dealt by various officers of the team overseeing the entire implementation. Each identified risk is managed in the best possible way.

All passengers arriving in Mauritius have to undergo a PCR test on the very first day of arrival, at the airport itself, a second test on Day 7 and an exit test on Day 14. In the event a PCR test reveals that a person is COVID-19 positive, he is immediately transferred to a Covid Treatment Centre.

In a similar vein, the dedicated team consisting of officers of my Ministry, Police escorts, dedicated facilitators, specially trained drivers provided with PPE are on standby at the airport on arrival of each and every flight to supervise and monitor the conveyance of passengers from the moment they land till they leave for their designated quarantine hotel. All transport arrangements are made by my Ministry. Collectively, the team ensures the sanitary security of the passengers, thus eliminating the risks of any further interaction, which positively addresses the infection rate.

I am also informed that a pool of Police riders accompanies the convoy transporting the passengers in order not to imperil the sanitary protocols till they reach the quarantine centres.

Moreover, a Desk Officer of my Ministry, acting as facilitator, has the responsibility to monitor each and every passenger, ensure that the names and number of passengers tally with the official register of incoming passengers of the Passport and Immigration Office before boarding the bus put at their disposal.

I am informed that a Police Officer is posted in all quarantine centres on a 24-hour basis and Police patrol is carried out round the clock to systematically eliminate interaction with outsiders.

I am further informed that all the quarantine centres are serviced by staff of the hotels as well as a medical personnel.

With regard to part (b) of the question, as per statistics available at my Ministry, I am informed that for the period 27 April to 19 November 2020, a total of 12,300 passengers arrived in Mauritius from Dubai, France, India, Madagascar, Reunion Island, South Africa and the United Kingdom.

In parenthesis, of 1,703 passengers arriving from India, 71 passengers were tested positive for COVID-19, 9 out of 257 from Madagascar and 36 out of 3,411 from France.

I am further informed that in terms of proportion of positivity, India holds the highest number of passengers tested positive for COVID-19 followed by Madagascar and France as at 30 November 2020.

MEDICAL COUNCIL – BOARD

(No. B/957) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Wellness whether, in regard to the Medical Council, he will state the composition of the Board thereof, indicating the respective qualifications of the said members.

(Vide Reply to PQ B/934)

NHDC LTD - HOUSING UNITS - DEPOSIT

(No. B/958) Mr S. Abbas Mamode (Second Member for Port Louis Maritime & Port Louis East) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the National Housing Development Company Ltd., he will, for the benefit of the House, obtain therefrom, information as to the minimum amount to be deposited to obtain a housing unit, indicating if –

- (e) Government subsidy policy is applicable in certain cases, and
- (f) consideration will be given for a review downward of the deposit amount.

Reply: I am informed by the NHDC Ltd that according to its present policy, the minimum amount to be deposited to obtain a housing unit is 10% of the Selling Price payable by the eligible beneficiaries.

There are, however, factors that may affect the minimum deposit of 10% required by the NHDC Ltd and they are firstly, the age of the applicant which would have a bearing on

the credit period and secondly, the repayment capacity of an applicant who may have existing loans from other financial institutions.

As regards part (a) of the question, the House may wish to note that prior to July 2020, the subsidy rate provided by Government to beneficiaries of NHDC housing unit was 67% for families earning a monthly income of up to Rs10,000, 50% for families earning between Rs10,001 and Rs15,000 and 20% for families earning between Rs15,001 and Rs20,000.

As from 01 July 2020, the Ministry of Finance, Economic Planning and Development has informed that existing NHDC clients with a monthly household income of up to Rs30,000 will be eligible for a subsidy rate of 67%.

Concerning part (b) of the question, I am informed by the NHDC Ltd that it is presently reviewing the deposit formula as the company has taken note that there are applicants that are unable to satisfy the condition in respect of the minimum deposit required to obtain an NHDC housing unit.

RODRIGUES - CONTAINERS - SHIPMENT

(No. B/959) Mr J. Léopold (Second Member for Rodrigues) asked the Minister of Blue Economy, Marine Resources, Fisheries and Shipping whether, in regard to the lack of availability of containers for the shipment of goods in Rodrigues, he will state if his Ministry will look into the matter with the Mauritius Shipping Company Ltd. to increase the frequency of shipment to Rodrigues due to high increase in demand, and/or for additional shipping vessels to be chartered, due to equipment malfunction on the actual shipping vessel.

Reply: I am informed by the Mauritius Shipping Corporation Limited (MSCL) that the frequency of fully loaded cargo vessel to Rodrigues for the peak season of November and December 2020 has been maintained.

Seven voyages were effected to Rodrigues in December 2019 as well as in December 2020 and all the containers were shipped on time. Due to the sudden breakdown of one of the cranes of MV Black Rhino on 24 October 2020, there was a disruption in the normal services. However, the crane has been repaired and is fully operational on 11 November 2020 and everything is back to normal.

Around 850 fully loaded containers would be shipped from Mauritius to Rodrigues. There is, therefore, no need for chartering another vessel.

I am placing in the Library of the National Assembly a copy of the list of voyages for both MV Black Rhino and MV Trochetia for the months of November and December 2020.

I am further informed that, at present, 400 twenty feet containers are available for the Rodrigues trade. As such, there is no lack of containers for shipment to Rodrigues.

NATIONAL YOUTH CIVIC SERVICE PROGRAMME – PARTICIPATION

(No. B/960) Mr J. Léopold (Second Member for Rodrigues) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the National Youth Civic Service Programme, he will state if same is presently being run by his Ministry, indicating the number of youths participating therein in the year 2020.

(Withdrawn)

NURSING COUNCIL ACT – AMENDMENTS

(No. B/961) Mr J. Léopold (Second Member for Rodrigues) asked the Minister of Health and Wellness whether, in regard to the Nursing Council Act, he will state if consideration will be given for amendments to be brought thereto for the –

- (a) composition of the Council to consist of two Rodriguans elected representatives of the nursing profession of Rodrigues thereon, and
- (b) election for the representatives thereof to be conducted in Rodrigues by the nursing staff of Rodrigues.

(Withdrawn)

DEATH CERTIFICATES - ISSUE

(No. B/962) Mr J. Léopold (Second Member for Rodrigues) asked the Minister of Health and Wellness whether, in regard to the death certificates, he will state if consideration will be given for a review of the guidance for the issue thereof regarding –

- (a) referring death to forensic pathologist;
- (b) avoiding using vague terms and terminal events, which are not the immediate cause of death and to avoid underlying cause of death alone on death certificate, and
- (c) the involvement of relatives in the process of issuing death certificate.

Reply: I wish to point out that all Medical Practitioners are trained during their medical studies on forensic medicine and on how to fill death certificates. All Medical Practitioners in Mauritius, registered with the Medical Council of Mauritius, have the right to

issue a death certificate. During their pre-registration training, doctors have the opportunity to observe and learn about the filling of death certificates.

With respect to part (a) of the question, all cases of suspicious actions causing death where an element of foul play and/or negligence is suspected, as well as all cases of accidental deaths, suicide, poisoning, brought dead or unexplained cause of death are referred to the Police.

As regards part (b) of the question, Medical Practitioners do not use vague terms or terminal physiological events. The cause of death gives a clear and succinct description of the particular medical event that resulted in death, followed by medical events that contributed to death. Comorbidities not directly causing death may also be mentioned. In the death certificate itself, it is mentioned that the cause of death does not mean the mode of dying, e.g. “heart failure, asthenia”, etc. It means the disease/injury, or complication which caused death.

Regarding part (c) of the question, in no circumstances are relatives or any other third person allowed to interfere with the process of issuing death certificates, which is a purely clinical decision by the doctor.

COVID-19 SUPPORT LOAN SCHEME - ELIGIBILITY CRITERIA

(No. B/963) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Finance, Economic Planning and Development whether, in regard to the Covid-19 Support loan scheme of the Development Bank of Mauritius Ltd., he will, for the benefit of the House, obtain from the Bank, information as to the –

- (a) eligibility criteria therefor;
- (b) number of beneficiaries thereof, and
- (c) total quantum of funds disbursed as at to date.

(Withdrawn)

NOISE & AIR POLLUTIONS - CONTRAVENTIONS – PERIOD 2019-2020

(No. B/964) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Environment, Solid Waste Management and Climate Change whether, in regard to noise and air pollutions, he will state the number of officers of his Ministry presently engaged in combatting same, indicating the number of -

- (a) contraventions booked therefor for the year 2019-2020, and
- (b) vehicles available for patrolling services in relation thereto.

(Withdrawn)

SPEED CAMERAS - INSTALLATION ISLAND-WIDE

(No. B/965) Mr R. Duval (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Land Transport and Light Rail whether, in regard to the installation of speed cameras island-wide, he will state the –

- (a) name of the contractors therefor, and
- (b) maintenance cost thereof.

(Withdrawn)

NATIONAL YOUTH FOOTBALL TOURNAMENT – FINANCIAL IMPLICATIONS

(No. B/966) Mr A. Ittoo (Third Member for Vacoas & Floréal) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the National Youth Football Tournament organised by his Ministry, he will state the –

- (a) number of matches played as at to date;
- (b) number of youths involved therein, and
- (c) financial implications thereof.

(Withdrawn)

ATHLETE ASSISTANCE SCHEME - BENEFICIARIES

(No. B/967) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the Athlete Assistance Scheme managed by the High-Level Sports Unit, he will –

- (a) give the list of athletes who are –
 - (i) actually benefitting therefrom, indicating their respective discipline, sum allocated and period, and
 - (ii) no longer beneficiaries thereof, indicating the reasons therefor, and
- (b) state if there has been any discontinuation of payment thereof, from January 2020 to date and, if so, why, indicating the duration thereof.

(Withdrawn)

MAURITIUS GYMNASTIC FEDERATION – TEMPORARY COMMITTEE

(No. B/968) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)

asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the Mauritius Gymnastic Federation, he will state if a temporary committee has been set up therefor and, if so, indicate the –

- (a) date thereof;
- (b) composition thereof, indicating the fees payable to the members, if any;
- (c) number of meetings held as to date, and
- (d) decisions taken by the Committee.

Reply: The Gymnastics Federation of Mauritius is presently suspended by the International Gymnastics Federation. My Ministry has had several meetings with the representatives of the local Federation, gymnastics clubs and the Mauritius Olympic Committee in a spirit to regularise matters and promote the advancement and practice of this sports discipline. At the last meeting held on 22 October 2020, the Federation has been requested to submit relevant documents to support its compliance with the provisions of the Sports Act. The information has been submitted on 05 November 2020 and is being examined by officers of my Ministry. A meeting with all the stakeholders will be held shortly.

Hence, the issue of setting up a temporary committee does not arise for the time being.

CONCRETE HOUSING PROJECT - BENEFICIARIES

(No. B/969) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)

asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the Full Concrete Housing Project for families registered under the Social Register of Mauritius, she will, for the benefit of the House, obtain from the National Empowerment Foundation –

- (a) information as to the number of housing units;

- (i) constructed during financial year 2019-2020, indicating the cost thereof, region-wise and the names of the beneficiaries thereof, and
- (ii) still under construction, and

(b) the list of projects, region-wise, for financial year 2020-2021, indicating the budget allocated therefor.

(Withdrawn)

SC & HSC EXAMINATIONS - FEES - SUBSIDY

(No. B/970) Mrs A. Navarre-Marie (Fourth Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Education, Tertiary Education, Science and Technology whether, in regard to the Cambridge School Certificate and Higher School Certificate examinations, she will state if she proposes to extend grants of fees to students whose parents have lost their jobs as a result of the Covid-19 pandemic.

Reply: The House will recall that, in 2015, Government introduced a scheme for 100% subsidy on the SC/HSC/GCE examination fees, which covers any school candidate satisfying the following -

- (i) They should be sitting for these examinations for the first time, and
- (ii) should meet the attendance requirement of at least 90%.

This applies to all school candidates, whether their parents are in employment or not.

AIR MAURITIUS LTD – EMPLOYEES – PAY CUT

(No. B/971) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Labour, Human Resource Development and Training whether, in regard to Air Mauritius Ltd., he will state if –

- (a) his Ministry was consulted by the administrators thereof prior to imposing a unilateral additional pay cut on the salaries of all the employees thereof and, if so, indicate when, and
- (b) his Ministry has received representations by the trade unions, namely, *Plateforme Syndicale Travayer Air Mauritius* to that effect, indicating if he has discussed same with the administrators and, if so, when and if not, why.

(Withdrawn)

**FOOD AND AGRICULTURAL RESEARCH AND EXTENSION INSTITUTE
– COURSES/TRAINING**

(No. B/972) Mrs S. Tour (Third Member for Port Louis North & Montagne Longue) asked the Attorney-General, Minister of Agro-Industry and Food Security whether, in regard to the Food and Agricultural Research and Extension Institute, he will, for the benefit of the House, obtain therefrom, the list of courses/training available thereat aiming at increasing farmers' knowledge and skills to improve productivity and income, indicating –

- (a) the places where same are being carried out, and
- (b) if assessments of the efficacy thereof have been carried out.

(Withdrawn)

BODYBUILDING FEDERATION – TEMPORARY COMMITTEE

(No. B/973) Mrs S. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Youth Empowerment, Sports and Recreation whether, in regard to the state of affairs at the Bodybuilding Federation, he will state if his Ministry has set up a temporary committee therefor and, if so, give details thereof and, if not, why not.

(Withdrawn)

**NATIONAL SOLIDARITY FUND – PEOPLE WITH DISABILITIES –
SCHEMES**

(No. B/974) Mrs S. Tour (Third Member for Port Louis North & Montagne Longue) asked the Minister of Social Integration, Social Security and National Solidarity whether, in regard to the National Solidarity Fund, she will state the schemes available thereunder for people with disabilities.

(Withdrawn)

SME FAIRS -VENUES - CRITERIA

(No. B/975) Mr M. Yeung Sik Yuen (Second Member for Curepipe & Midlands) asked the Minister of Industrial Development, SMEs and Cooperatives whether, in regard to the Small and Medium Enterprises Fairs, he will, for the benefit of the House, obtain from

SME Mauritius Ltd., information as to the criteria applied for the choice of venues for the holding thereof.

Reply: Fairs organised by SME Mauritius Ltd are meant to improve the visibility of SMEs and provide them with a platform and opportunity to promote their products and services while availing themselves of the multiple benefits of direct selling and marketing to attain their selling objectives.

Venues are chosen on the criteria that they –

- 1) are in prime catchment areas;
- 2) offer the possibility of housing more than 100 SMEs, their product offer and merchandising gear;
- 3) are safe enough to accommodate the movement, flow and dynamics of some 15,000 visitors and prospective customers;
- 4) are well connected for transport purposes;
- 5) have parking facilities, and
- 6) if possible do not adversely impact on local businesses.

SME Mauritius favours organising yearly fairs in the yard of two venues where they have their regional Business Support Service Centres, namely at Rose Belle for the South and Goodlands for the North, as both venues answer the above criteria.

For the Eastern region, SME Mauritius holds its fair in Flacq, opposite the Taxi stand and plans to hold one for the Centre, once appropriate space answering the above criteria is found in Upper Plaines Wilhems.

NHDC - HOUSING UNITS - ALLOCATION

(No. B/976) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Housing and Land Use Planning, Minister of Tourism whether, in regard to the squatters, particularly, in the region of Pointe aux Sables, he will state if his Ministry has carried out a survey for the allocation of social housing units from the National Housing Development Company Ltd. thereto and, if so, indicate where matters stand.

Reply: For recall, due to the impact of the COVID-19 pandemic in Mauritius, the country was in confinement from 23 March 2020 to 01 June 2020, during which period only persons holding a valid authorisation were allowed out on the streets. Nonetheless, following a survey carried out on 09 and 10 May 2020, it was noted that some 29 structures had been illegally erected during the lockdown on five sites around the island of Mauritius, including Pointe aux Sables. However, of the said 29 structures, only 9 were found to be inhabited. Despite repeated requests to vacate, including legal notices served on 22 May, the number of illegal structures actually increased more than five-fold from 29 to 159 by 27 May, of which about half, 67 in fact, were by then inhabited.

As I had already mentioned in my reply to PQ B/88, in the particular case of Pointe aux Sables, the site squatted is classified as "a coastal fresh water marshy land", that is, an environment sensitive area and dangerous for habitation, according to the Ministry of Environment, Solid Waste Management and Climate Change.

Before their eviction, each and every squatter present on site received the visit of a multidisciplinary team on 26 and 27 May 2020 with a view to providing immediate assistance. Furthermore, the National Housing Development Company Ltd initiated an exercise to register those wishing to apply for social housing and to determine the extreme hardship cases. In order to carry out this exercise, the NHDC Ltd has worked in close collaboration with organisations like the National Social Inclusive Foundation and NGOs like Caritas.

I wish to inform the House that according to surveys and enquiries carried out, of the 63 families visited by the multidisciplinary team at Pointe aux Sables, 43 were registered for social housing at the NHDC Ltd or the NEF and 14 who were on the Social Register of Mauritius could be considered as hardship cases.

According to a report of the *Police des Terres*, there was, as at 09 February 2021, only four camping tents occupied by four families.

It is the policy of the Government not to offer social housing to squatters as this would tantamount to condoning an illegal activity. It would also be unjust to those who have abided by the law and are awaiting allocation of a housing unit by the NHDC Ltd or the NEF.

However, cases of former squatters who qualified as hardship are considered for social housing just as other hardship cases whenever the opportunity arises.

CONSTITUENCY NO. 1 - BARE LANDS & UNOCCUPIED LANDS

(No. B/977) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Local Government and Disaster Risk Management whether, in regard to bareland and unoccupied land in Constituency No. 1, Grand River North West and Port Louis West, under the purview of the Municipal Council of Port Louis, he will, for the benefit of the House, obtain from the Council, information as to the measures put in place for the cleaning thereof and to fighting illegal dumping thereat.

Reply: I am informed by the Municipal City Council of Port Louis that it has identified and established a database of around 608 plots bare lands and unoccupied lands in Constituency No. 1, Grand River North West and Port Louis West.

The Municipal City Council of Port Louis has set up a team of three Health Inspectors to carry out regular site visits on the ground to ensure that owners thereof keep those lands clean and free from wastes and overgrown vegetation representing a source of nuisance or health hazard to the nearby inhabitants, or an eyesore. During site visits, if it is found that a plot of such plot of land is overgrown, a notice is served on the owner to abate the nuisance within 15 days. A second notice is served upon owners who do not comply with the first notice. Most of the owners comply with the notice. However, in case of non-compliance, a contravention is served by the Council upon the owner. Since July 2020 to date, six owners have been prosecuted and fined for non-compliance.

The Council has further informed that it faces major difficulty with overgrown barelands whereby the owners are untraceable. Its team of Health Inspectors and workers intervene only on those plots on a prioritised manner depending on the level of nuisance factor as well as the availability of resources. Accordingly, the Council carries out cleaning of strip of the lands which are likely to constitute a nuisance, especially lands bordering the roadside up to two metres and in the vicinity of schools, religious institutions and public places. From July 2020 up to 20 November 2020, the Council has cleaned 43 private barelands using its resources.

The Council has highlighted that barelands which have been cleaned are likely to become overgrown again within two to three months.

I am also informed by the Council that regular sensitisation campaigns are carried out so as to educate the public as well as to discourage illegal dumping in its administrative area, including Constituency No. 1. Bulky wastes collection campaigns are held twice yearly as well as Clean-up Day in specific regions. In addition, signs of “No Dumping” have been placed in strategic locations to discourage this illegal practice.

Futhermore, the Council is working in close collaboration with the *Police de l'Environnement* which has been requested to carry out regular patrols in those areas.

Besides, the Government has recently implemented the *déchetterie* projects which aim at discouraging the proliferation of illegal dumping and littering and the public is encouraged to make use of such facilities. The first *déchetterie* at La Chaumière was launched on 18 November 2020 and is fully operational to receive sorted wastes which may be reused, such as construction demolition, woods, paper products, electronic wastes, amongst others. More such facilities will be set up around the island in the near future.

LES SALINES - OIL SPILLING - REMEDIAL MEASURES

(No. B/978) Mr P. Armance (Third Member for GRNW & Port Louis West) asked the Minister of Energy and Public Utilities whether, in regard to the recent oil spilling at Les Salines, in Cassis, he will state the nature thereof, indicating –

- (a) the remedial measures taken, if any, by his Ministry, and
- (b) if a survey has been carried out to determine the reasons thereof, further indicating the actions taken to prevent the recurrence thereof.

Reply: In my oral reply to Parliamentary Question B/925 on 24 November 2020, I have provided details on the leakage of oil which occurred on one of the HFO pipelines due to a bush fire in the region of Les Salines and elaborated on remedial measures taken by the CEB in consultation with the Ministry of Environment, Solid Waste Management and Climate Change, the Mauritius Port Authority and other relevant stakeholders.

Regarding part (a) of the question, as I have already indicated, the CEB had activated its Oil Spill Contingency Plan immediately on detecting the oil leakage. As at 23 November 2020, around 98% of oil recovery had been completed and *in situ* bioremediation had started. It is to be added that tests carried out by the Ministry of Environment, Solid Waste Management and Climate Change on sea water samples have not revealed any trace of oil or grease in the sea water.

Regarding part (b) of the question, the CEB has informed that a visual inspection has been carried out along the length of the pipeline and pits were excavated along the suspected span of the buried pipeline. A leak test was conducted to determine the location of the leakage. It is worthy to point out that six days before the bush fire, that is, on 23 October 2020, the annual pressure tests were carried out on the two HFO pipelines by an independent registered machinery inspector and no leakage was present, which indicates that it is the bush fire that has damaged the pipeline.

Following repairs of the pipeline, CEB proposes to increase the thickness of the soil over the buried pipeline to reduce the conduction of heat to the pipeline in case of an accidental bush fire in the vicinity of the pipeline.