

**CHILD LABOUR IN THE PRODUCTION OF GOODS
AND EFFECTS BY CERTAIN COUNTRIES TO ELIMINATE
THE WORST FORMS OF CHILD LABOUR**

- The Child Protection Act was enacted in 1994 to ensure protection of children from all forms of abuse and protection. Under the Child Protection Act, any person who ill-treats a child or otherwise exposes a child to harm shall commit an offence. Further under section 13A of the said Act, which deals with child trafficking, any person who wilfully and unlawfully recruits, transports, transfers, harbours or receives a child for the purpose of exploitation shall commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 30 years. Moreover, any person who wilfully and unlawfully recruits, transports, transfers, harbours or receives a child outside Mauritius for the purpose of exploitation in Mauritius or in Mauritius for the purpose of exploitation outside Mauritius, shall also commit an offence and shall, on conviction, be liable to penal servitude for a term not exceeding 30 years. It is equally provided that where the Court finds that a person who has parental responsibility and rights in respect of a minor has committed an offence under section 13A in relation to that minor, it may suspend the parental responsibilities and rights of that person; and order the minor to be admitted to a place of safety, for such period as it thinks fit.
- The Ombudsperson for Children Act 2003 provides for the establishment of an office of Ombudsperson for Children whose objective to ensure that the rights, needs, interests of the children are given full consideration by public bodies, private authorities, individuals and associations for individuals, promote the rights and best interest of children and promote compliance with the Convention on the Rights of the Child, and more particularly, to create an effective mechanism for the investigation of complaints regarding violation of children's rights.
- The Act enables the Ombudsperson for Children to assume the role of an advocate for children's rights, to advise the Minister and other public bodies and institutions on matters relating to promotion and protection of children's rights and to carry out any such investigations as the Ombudsperson for Children may decide, on complaints relating to the rights of the child. Amendments were brought to the Act in 2005 to empower the Ombudsperson for Children to compel witnesses to attend and give evidence on oath before and produce documents to the Ombudsperson in connection with investigations conducted under the Act and provide for various offences, including failure to attend and take the oath before the Ombudsperson for Children, giving false evidence, insulting the Ombudsperson for Children and wilfully interrupting proceedings conducted before the Ombudsperson for Children. The Ombudsperson for Children is responsible for promoting children's interests, protecting victims of exploitation, investigating complaints of violations and presenting proposals for preventing trafficking.
- The Employment Rights Act 2008 defines a '*child*' as '*a person under the age of 16 and a 'young person' as 'a person, other than a child who is under the age of 18'*'. Section 12(1) of the Act prohibits the employment of children whilst provision has been made at Section 12(2) that no person shall employ, or continue to employ a young person -

- (a) on work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety, physical mental, moral or social development of the young person; or
- (b) after being notified in writing by the Permanent Secretary that the kind of work for which the young person is employed is unsuitable for the young person, or will interfere with the young person's education.

The fine for employing children and young persons in contravention with Section 12 of the Employment Rights Act which was Rs2,000 in the repealed Labour Act 1975 has been increased to Rs10,000 in the Employment Rights Act.

- Furthermore, section 13 of the Employment Rights Act provides for an employer to keep a record of every young person employed by him stating the full name of the young person, the address of the young person, the date of birth of the young person and such other details that may be prescribed.
- Presently, all labour inspection visits carried out also aim at detecting cases of child labour. Labour and Industrial Relations Officers of the Inspection and Enforcement Section of the Ministry of Labour, Industrial Relations & Employment effect systematic visits at undertakings and places of work, thus covering both the formal and informal sectors of employment, to detect and sanction cases of child labour as well. Whenever detected, child employment is stopped forthwith and criminal action is taken against offenders.
- In Mauritius, for period 1 January 2009 to 31 December 2009, out of 919 inspection visits effected, 1 case of child employment involving 1 child (male) was detected. The employment of the child was stopped forthwith and criminal action was taken against the employer who was convicted to pay a fine of Rs3,000 + Rs200 as costs.
- In Rodrigues, 81 site visits were effected but no case of child employment was detected during the period under review.
- The following worst forms of child labour do not exist in Mauritius: slavery, debt bondage and serfdom, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict and cross-border trafficking.