



Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) which was adopted by the United Nations General Assembly on **20 November 1989**, entered into force on **2 September 1990** and was acceded to, by Mauritius on **26 July 1990**.

Objectives

The **54 articles** of the Convention lay emphasis on:

- Enabling children to have their voices heard and to participate in their societies.
- Advocating the protection and promotion of the rights of special needs children, minority children and of refugee children.
- Setting standards in healthcare, education and legal, civil and social services, to protect children's rights.
- Ensuring that children are provided safeguards to protect them from violence and exploitation.

Optional Protocol

The United Nations General Assembly has adopted three Optional Protocols namely:

- The Optional Protocol on the Involvement of Children in Armed Conflict (CRC-OP-AC)
- The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC)
- The Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure (OPCP)

Mauritius has signed both the **CRC-OP-AC** and the **CRC-OP-SC** on **11 November 2001**. The country ratified the former on **12 February 2009** and the latter on **14 June 2011**.

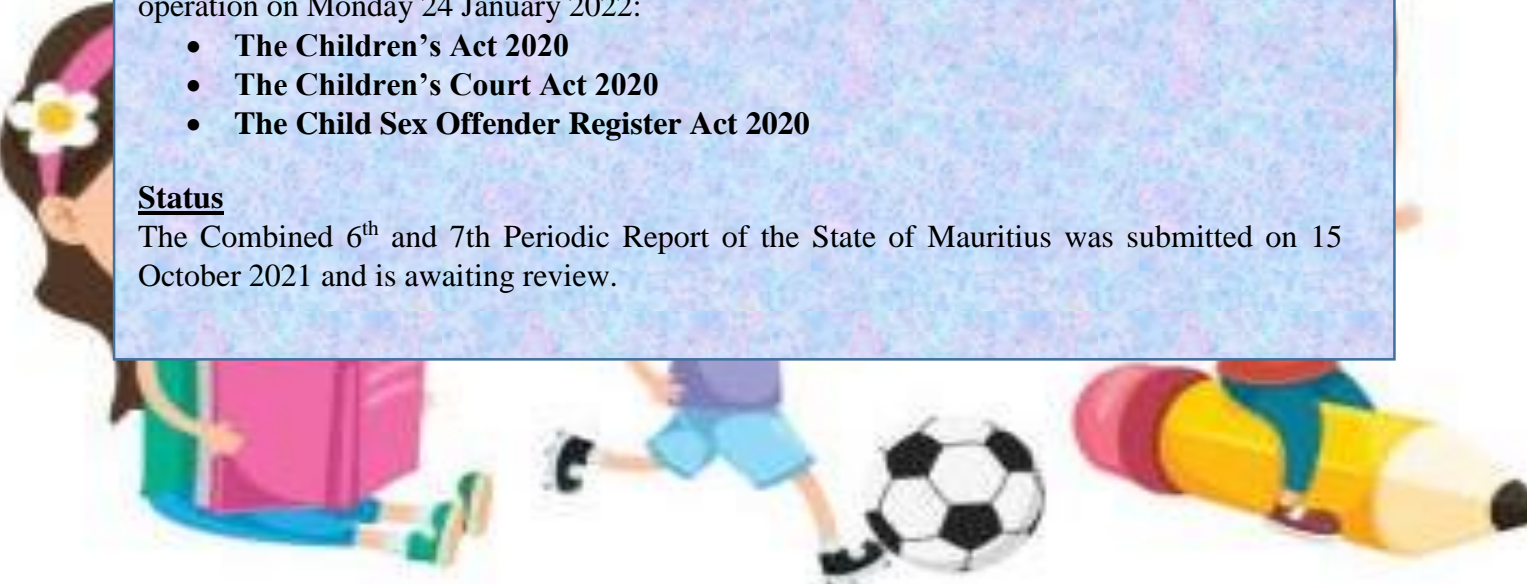
Legislations pertaining to the Rights of the Child

The following legislations which aim to harmonize all laws relating to children have come into operation on Monday 24 January 2022:

- **The Children's Act 2020**
- **The Children's Court Act 2020**
- **The Child Sex Offender Register Act 2020**

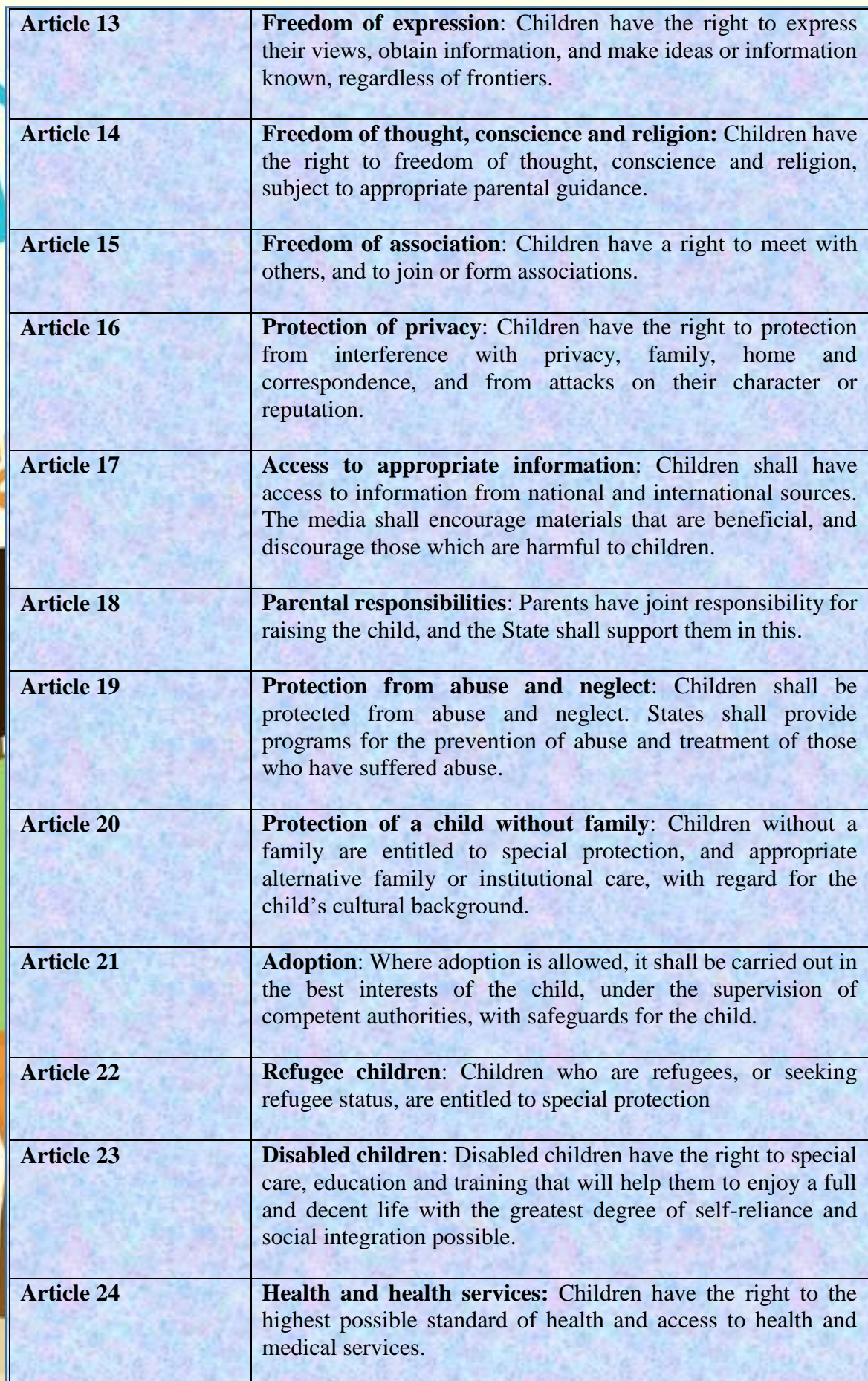
Status

The Combined 6th and 7th Periodic Report of the State of Mauritius was submitted on 15 October 2021 and is awaiting review.

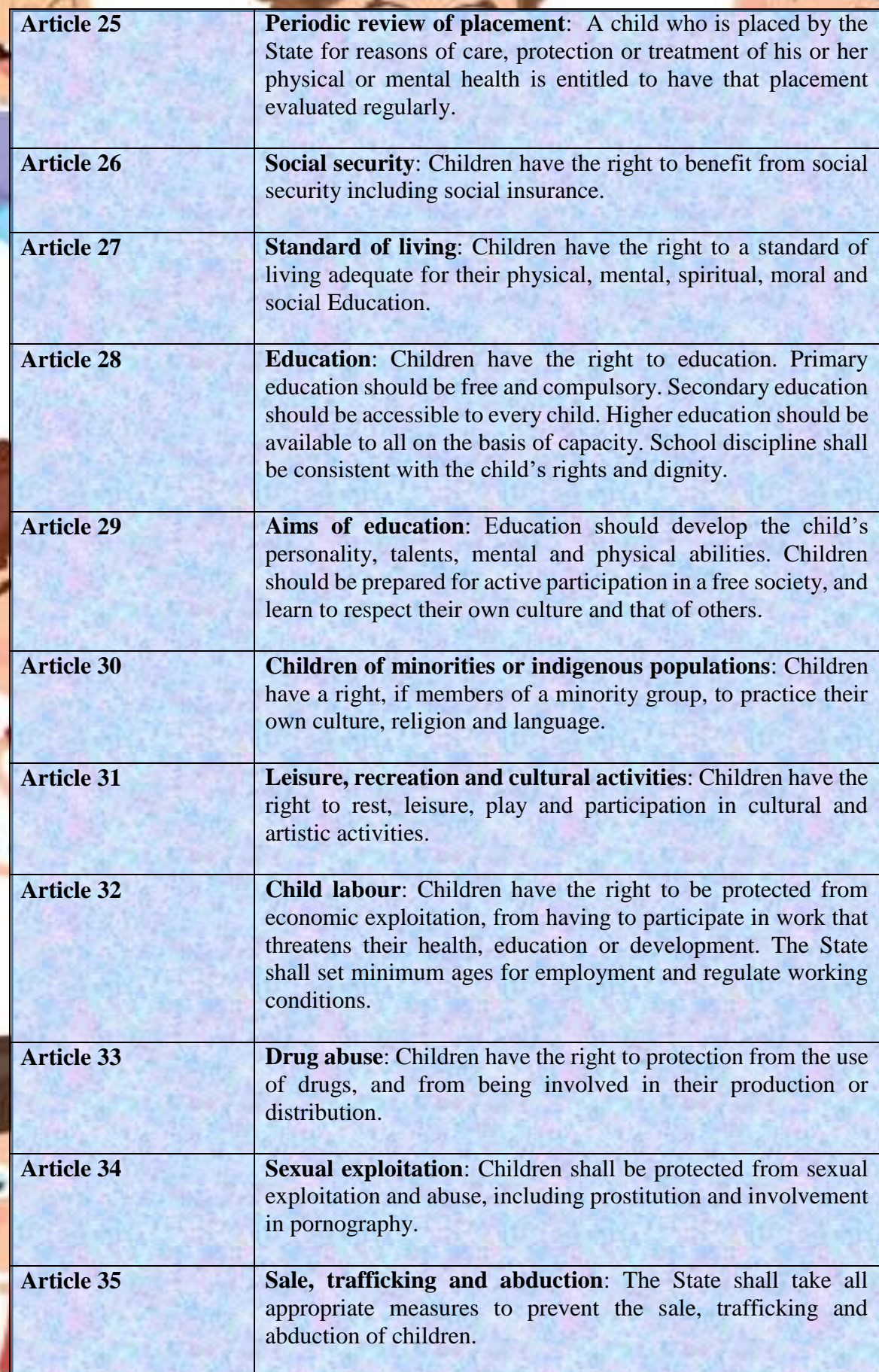


Provisions

Article 1	Definition of a child: A child is recognized as a person under 18, unless national laws recognize the age of majority earlier.
Article 2	Non-discrimination : All rights apply to all children, and children shall be protected from all forms of discrimination.
Article 3	Best interests of the child: All actions concerning the child shall take full account of his or her best interests. The States shall provide the child with adequate care when parents, or others charged with parental responsibility, fail to do so.
Article 4	Implementation of rights : The State must do all it can to implement the rights contained in the Convention.
Article 5	Parental guidance and the child's evolving capacities: The State must respect the rights and responsibilities of parents to provide guidance for the child that is appropriate to her or his evolving capacities.
Article 6	Survival and development: Every child has the right to life, and the State has an obligation to ensure the child's survival and development.
Article 7	Name and nationality: Each child has the right to a name and nationality, to know his or her parents and be cared for by them.
Article 8	Preservation of identity: The State has an obligation to protect, and if necessary, to re-establish the child's identity. This includes name, nationality and family ties.
Article 9	Separation from parents: The child has a right to live with his or her parents unless this is not in the child's best interest. The child has the right to maintain contact with both parents if separated from one or both.
Article 10	Family reunification: Children and their parents have the right to leave any country or enter their own to be reunited, and maintain the parent-child relationship.
Article 11	Illicit transfer and non-return: The State has an obligation to prevent and remedy the kidnapping or holding of children abroad by a parent or third party.
Article 12	The child's opinion: Children have the right to express their opinions freely, and have their opinions taken into account in matters that affect them.



Article 13	Freedom of expression: Children have the right to express their views, obtain information, and make ideas or information known, regardless of frontiers.
Article 14	Freedom of thought, conscience and religion: Children have the right to freedom of thought, conscience and religion, subject to appropriate parental guidance.
Article 15	Freedom of association: Children have a right to meet with others, and to join or form associations.
Article 16	Protection of privacy: Children have the right to protection from interference with privacy, family, home and correspondence, and from attacks on their character or reputation.
Article 17	Access to appropriate information: Children shall have access to information from national and international sources. The media shall encourage materials that are beneficial, and discourage those which are harmful to children.
Article 18	Parental responsibilities: Parents have joint responsibility for raising the child, and the State shall support them in this.
Article 19	Protection from abuse and neglect: Children shall be protected from abuse and neglect. States shall provide programs for the prevention of abuse and treatment of those who have suffered abuse.
Article 20	Protection of a child without family: Children without a family are entitled to special protection, and appropriate alternative family or institutional care, with regard for the child's cultural background.
Article 21	Adoption: Where adoption is allowed, it shall be carried out in the best interests of the child, under the supervision of competent authorities, with safeguards for the child.
Article 22	Refugee children: Children who are refugees, or seeking refugee status, are entitled to special protection
Article 23	Disabled children: Disabled children have the right to special care, education and training that will help them to enjoy a full and decent life with the greatest degree of self-reliance and social integration possible.
Article 24	Health and health services: Children have the right to the highest possible standard of health and access to health and medical services.



Article 25	Periodic review of placement: A child who is placed by the State for reasons of care, protection or treatment of his or her physical or mental health is entitled to have that placement evaluated regularly.
Article 26	Social security: Children have the right to benefit from social security including social insurance.
Article 27	Standard of living: Children have the right to a standard of living adequate for their physical, mental, spiritual, moral and social Education.
Article 28	Education: Children have the right to education. Primary education should be free and compulsory. Secondary education should be accessible to every child. Higher education should be available to all on the basis of capacity. School discipline shall be consistent with the child's rights and dignity.
Article 29	Aims of education: Education should develop the child's personality, talents, mental and physical abilities. Children should be prepared for active participation in a free society, and learn to respect their own culture and that of others.
Article 30	Children of minorities or indigenous populations: Children have a right, if members of a minority group, to practice their own culture, religion and language.
Article 31	Leisure, recreation and cultural activities: Children have the right to rest, leisure, play and participation in cultural and artistic activities.
Article 32	Child labour: Children have the right to be protected from economic exploitation, from having to participate in work that threatens their health, education or development. The State shall set minimum ages for employment and regulate working conditions.
Article 33	Drug abuse: Children have the right to protection from the use of drugs, and from being involved in their production or distribution.
Article 34	Sexual exploitation: Children shall be protected from sexual exploitation and abuse, including prostitution and involvement in pornography.
Article 35	Sale, trafficking and abduction: The State shall take all appropriate measures to prevent the sale, trafficking and abduction of children.

Article 36	Other forms of exploitation: The child has the right to protection from all forms of exploitation that can harm any aspects of the child's welfare not covered in articles 32, 33, 34 and 35.
Article 37	Torture and deprivation of liberty: No child shall be subjected to torture, cruel treatment or punishment, unlawful arrest or deprivation of liberty. Capital punishment and life imprisonment are prohibited for offences committed by persons below 18 years of age. A child who is detained has the right to legal assistance and contact with the family.
Article 38	Armed conflict: Children under age 15 shall have no direct part in armed conflict. Children who are affected by armed conflict are entitled to special protection and care.
Article 39	Rehabilitative care: Children who have experienced armed conflict, torture, neglect or exploitation shall receive appropriate treatment for their recovery and social reintegration.
Article 40	Administration of juvenile justice: Children in conflict with the law are entitled to legal guarantees and assistance, and treatment that promote their sense of dignity and aims to help them take a constructive role in society.
Article 41	Respect for higher standards: Wherever standards set in applicable national and international law relevant to the rights of the child are higher than those in this Convention, the higher standard shall always apply.
Articles 42-54	Implementation and entry into force: These refer to the administrative aspects of implementing the CRC.

