

Intervention on the Children’s Bill by Hon. Deepak Balgobin, Minister of Information Technology, Communication and Innovation at the National Assembly on Thursday 3rd December 2020.

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Mr Speaker, Sir,

It is an honour for me to take part in the debates on the Children’s Bill and I wish to start by congratulating my colleague, Honourable Kalpana Devi Koonjoo-Shah, Minister of Gender Equality and Family Welfare, for having introduced this bill to the National Assembly.

This bill is close to our hearts as it is an important shield for our dear children!

The cases of child sexual abuse, especially by their close family members, as well as cases of assaults against vulnerable children, is unfortunately a sad reality in Mauritius.

This Children’s Bill will help to protect, secure and contribute to the well-being of all the children in our Republic.

The Bill is a step toward a more comprehensive and modern framework in compliance with the United Nations Convention on the Rights of the child and the African Charter on the Rights and Welfare of the child, both of which Mauritius is signatory.

The MSM governments have always had the safety, health and well-being of our children at the heart of their governmental policies. For instance, one cannot deny that the main UN conventions pertaining to the safety of children have been signed by Mauritius whenever the MSM was in government: The Convention on the Rights of the Child on the involvement of children in armed conflict in 2002 and the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2002, aaccession in 2011.

Mr Speaker, Sir,

According to Statistics Mauritius's report entitled "Gender Statistics" published last year, the total number of cases reported at the Child Development Unit is on the rise and reached 6,225 in 2019! Undoubtedly, we, on this side of the House, want to reverse the trend of child abuse.

Every child in Mauritius deserves that his or her basic human rights be respected! And this Government, under the leadership of our Prime Minister, Pravind Kumar Jugnauth, is walking the talk and taking concrete actions with this Bill.

We are determined to protect all children as if they are our very own. This Government is committed, as usual, to break the cycle of violence perpetrated by criminals.

We strongly feel that it is our utmost responsibility as adults to protect our children. They depend on us, and we depend on them too as they are our future, and the future of this country. To permit their future to be taken away is to risk our very humanity.

Mr Speaker, Sir,

This Bill is most important as it focusses on the promotion and the protection of the rights of children in our Republic. It will have a bearing upon all the future generations when it will be enacted and implemented.

Every child has the right to non-discrimination and attention has to be given to their best interests, whether related to their right to life and to their right to development and to lead a happy life.

It is shocking to note that, according to the World Health Organisation, it is estimated that, globally, up to 1 billion children aged between 2 to 17 years, have experienced physical, sexual, emotional violence or neglect during the year 2019.

As a responsible Government, we will ensure that this new legislation brings a series of positive changes to our society. Future generations depend on the decisions we make today and there's no better time to act, than NOW.

I strongly agree with my colleague Honourable Avinash Teeluck, who stated in his intervention of the Children's Bill last week, that if a person under the age of 18 is not even apt in law to choose whom to vote and lead the country for a period of 5 years, how can we even consider that this person has the capacity to choose a life partner?

This is why, the 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.

Allow me now to lay emphasis on the technological implications of the Children's Bill. Section 22 makes provision for a new category of crime, namely Child Grooming. The explosion of information and communication technology has created unprecedented opportunities for children and young people to communicate, connect, share, learn, access information and express their opinions.

But wider and more easily available access to the Internet and mobile technology also poses significant challenges to children's safety online. Parents have a major role to play here by reinforcing their vigilance.

Mr Speaker, Sir,

Section 26 of the Children's Bill makes provision for offences regarding bullying of a child whereby a person causes physical and psychological harm to a child. Here also, we need to acknowledge the fact that such offences can happen online.

With regards to Right to Privacy, Section 27 of the Bill makes provision that no person shall do an act which affects the privacy of a child, including publishing any information, including photographs, videos and audio recordings which will allow the child to be identified. This is why, it is important to include these provisions of the Bill to be able to protect our children, who are easy prey to criminals online, especially in this era of fast-evolving technologies.

In addition to this Bill - Child Pornography - which are depictions of children involved in sexual activities, is being shamefully traded on the Internet around the clock. It has been noted that there have been many global cases of such depictions being circulated on the Internet. The Bill makes Child Pornography an offence and this is again why it is important that it includes such provisions where these disgraceful acts become offences.

Allow me to highlight that the Computer Emergency Response Team of Mauritius (CERT-MU), which falls under the National Computer Board of my Ministry, has set up a central system for reporting incidents occurring on social media, including those related to children.

This system is known as the Mauritian Cybercrime Online Reporting System (MAUCORS). It is alarming to note that, from January to October 2020, MAUCORS has recorded more than one thousand incidents, where the majority of cases reported concern children.

These incidents include:

- 366 cases of Online Harassment
- 319 cases of Offensive Content
- 184 cases of Identity Theft
- 65 cases of Cyber Bullying
- 51 cases of Sextorsion
- and 17 cases of Cyber Stalking

This information is used by different stakeholders including the Mauritius Police Force, the Information and Communication Technologies Authority (ICTA), the Data Protection Office of my Ministry and CERT-MU to investigate on the incidents reported and to act accordingly.

Mr Speaker, Sir,

The Child Sex Offender Register Bill, will enable the establishment of a child sex offender register, which will monitor and track people in the community who have been found guilty of committing sexual offences against children and detect and investigate sexual offences against children. There would undoubtedly be consultations with my Ministry in the development of the register for the Police Force, which would be a database for child sex offenders.

And here, consultations with the Ministry of Gender Equality and Family Welfare and the Ministry of Information Technology, Communication and Innovation, to see that the register be digitalised and encrypted. The Commissioner of Police, in the interest of public safety and public order as per section 20 and 21 of the Child Sex Offender Register Bill, may share relevant information with international institutions, for e.g. Interpol, when and where needed.

Furthermore, with regards to the setting up of the Children's Court, high-end information technology facilities will be required. Provision is made in the Children's Court Bill to allow any Court, at its discretion and on motion made by prosecution, to allow a child victim or witness to depose through live video or live television link system.

The role of the Children's Court will be to ensure that the best interests of children and young people are paramount to any proceedings. The court only deals with children and young people as often they find it very difficult to testify in open courtrooms. Testifying in court is particularly stressful for children and the high level of stress and anxiety experienced by child witnesses can decrease children's ability and willingness to provide complete and accurate evidence.

The proposed changes are geared towards increasing the comfort level of children and their ability to testify accurately, effectively, thereby promoting justice in the court while preserving the integrity of the process.

At present, trials are often held several years after the incident and recording of victims' statement, because of which very young witnesses have trouble remembering the details that they are asked to provide to the court.

Special child-friendly measures would also include ensuring the right to use video recorded statements of children and video links during court proceedings. The Children's Court Bill will also make provision for appropriately trained police officers who are specialized in interviewing techniques with children, including in the use of cameras during interviews. This will help to avoid putting a child victim through further trauma.

Mr Speaker, Sir,

The provisions which I mentioned earlier and which are related to technology have become even more important to enhance the protection of our children, as technology is progressing faster than ever.

We are aware of the threats that children face online. This is why, my Ministry is currently working on a Cybersecurity and Cybercrime Bill 2020, which would enhance the level of protection given to our citizens online, including our children.

The Children's Bill is not about making announcements or scoring any political points.

As a caring Government, we are, through this legislation, ensuring that this Government and any following governments are bound and accountable for their actions to the welfare of our children.

It is also true that no one nation can meet this challenge alone.

However, Mauritius, under the leadership of the Prime Minister, Pravind Kumar Jugnauth, is contributing its part for consolidating the welfare of all the children in Mauritius.

Today, the Government is presenting a comprehensive legislation to protect every child. So, let's roll up our sleeves and work together as this is a journey that will require each one of us to persevere through setbacks to fight for the progress of one and all.

This Government's response through this Bill, will be judged by history, for if we fail to meet it TOGETHER, we risk consigning the next generations to a bleak future.

If we can resolve to work tirelessly in common effort, then we will achieve our common purpose: a country that is safer and a future that is worthy of our children.

I wish to invite the Members on the other side of the House to forget petty politics at this point in time so that we can collaborate so that we can shape a better future for the children of this country!

I welcome the initiative of this Government, I congratulate my colleague Hon. Koonjoo-Shah and I commend the Children's Bill to the House.

Thank you, Mr Speaker Sir,