REPORT OF THE FACT FINDING COMMITTEE ON RESIDENTIAL CARE INSTITUTIONS/SHELTERS FOR CHILDREN

05 November 2015
FACT FINDING COMMITTEE
ON RESIDENTIAL CARE INSTITUTIONS/SHELTERS FOR CHILDREN

TABLE OF CONTENTS

1. Introduction ......................................................................................................................... 1
   1.1 Place of safety .............................................................................................................. 3
   1.2 Shelter ........................................................................................................................ 3
   1.3 Residential Care Institutions ...................................................................................... 3
2. Terms of reference .............................................................................................................. 4
3. Methodology ....................................................................................................................... 5
4. 21 Residential Care Institutions/Shelters ........................................................................... 6
   4.1 L’Oiseau du Paradis .................................................................................................. 6
   4.2 La Colombe ............................................................................................................... 7
   4.3 La Cigogné ................................................................................................................ 7
   4.4 Foyer Mgr Leen ......................................................................................................... 8
   4.5 Crèche Coeur Immaculé de Marie .............................................................................. 8
   4.6 Shelter for Women and Children in Distress ............................................................ 9
   4.7 Association pour les Handicapés de Malherbes ...................................................... 10
   4.8 Etoile du Berger ....................................................................................................... 10
   4.9 CEDEM .................................................................................................................... 11
   4.10 Mauritius Muslim Orphanage ................................................................................ 12
   4.11 Gayasingh Ashram ................................................................................................. 12
   4.12 La Clairyère Convent ............................................................................................. 13
   4.13 La Marguerite Shelter ............................................................................................ 13
   4.14 La Dauphinelle Shelter ........................................................................................... 14
   4.15 Heaven Children Centre ........................................................................................ 15
   4.16 Association pour l’accompagnement, la réhabilitation et la réinsertion sociale des enfants (ARISE) .................................................................................. 15
   4.17 Foyer Père Laval .................................................................................................... 16
   4.18 Terre de Paix ........................................................................................................... 16
   4.19 SOS Children’s Village (Bambous) ...................................................................... 17
   4.20 SOS Children’s Village (Beau Bassin) .................................................................. 18
   4.21 Association pour les amis de Don Bosco ............................................................. 18

5. Investigation into various complaints and representations made in respect of management of residential care institutions/shelters for children and services being provided to their residents ........................................................................... 20
   5.1 Assault by Director/Employees of shelter upon residents ....................................... 20
   5.2 Sexual abuse by Assistant Manager of La Dauphinelle upon resident in shelter .... 21
   5.3 Attempt at suicide by resident in shelter ................................................................ 22
   5.4 Teenage residents attending birthday party at night at place of employees .......... 23
   5.5 Corporal punishment inflicted upon residents by employees .................................. 23
   5.6 Inappropriate food for residents ............................................................................. 23
   5.7 Underpaid salaries for workers of shelter .................................................................. 24
   5.8 Insufficient right of visit for the residents ................................................................. 24
   5.9 Unfit place of safety ................................................................................................... 24
   5.10 Lack of appropriate staff ........................................................................................ 25
   5.11 Lack of hygiene ....................................................................................................... 25
6. Enquiry and assessment of the operation of Residential Care Institutions/Shelters for children under a management services contract or receiving grant from this Ministry other than capitation grant ..................................................... 26
   6.1 Management Services Contract .......................................................... 26
   6.2 Management of shelter in receipt of grant ........................................ 26
7. Assessment whether Residential Care Institutions/Shelters for children receiving a capitation grant per child placed under their care are meeting the needs of those children......................................................................................... 28
   7.1 Needs of children .................................................................................. 28
   7.2 Table Nos. 1 and 2 indicating the names of the institutions and the number of residents .............................................................. 29
   7.3 Management Services Contract ........................................................... 30
   7.4 Figure 1: Grant disbursed by Government for Management Services Contract in 2014, including La Colombe and Shelter Forest Side ................................................................................ 32
   7.5 Figure 2: Percentage of Payments by Government to Institutions Under Different Funding Regime ........................................................................ 33
   7.6 Figure 3: Daily rate paid to residential Institutions as at 30 June 2014 ...................................................................................... 34
   7.7 Analysis of the services provided in children’s residential institutions ......................................................................................... 34
   7.8 Psychological and Emotional needs ...................................................... 35
   7.9 Education/Training ............................................................................... 35
   7.10 Health .................................................................................................. 35
   7.11 Personal development .......................................................................... 36
   7.12 No case plan ........................................................................................ 36
   7.13 Connection with family/Constant rehabilitative work between child and parent to achieve reintegration ........................................ 36
   7.14 Connection to culture and religion ...................................................... 36
   7.15 Staff capacity need to be strengthened .............................................. 37
   7.16 Evaluation of condition of infrastructure, equipment and facilities in children’s residential care institutions .............................................. 37
   7.17 Under-utilised capacity ........................................................................ 37
   7.18 Independent advocacy for children is needed/Designation of a trust person ............................................................................... 38
   7.19 Residential care costs are significant .................................................. 38
   7.20 Clarity in accounts reporting ................................................................. 38
8. Recommendations for addressing shortcomings identified .......................... 41
   8.1 Overcrowded shelters .......................................................................... 41
   8.2 Admission without committal order ...................................................... 42
   8.3 Food and Nutrition .............................................................................. 42
   8.4 Family Business/Major shortcomings in the procurement process .......... 43
   8.5 Shortcomings in the procurement process of the management services contract .............................................................................. 45
   8.6 Children in distress placed in Old Age Residential Homes .................... 47
   8.7 Need for a comprehensive contract between the CDU and the Care Providers .............................................................................. 47
   8.8 Ratio Child – Carer ................................................................................ 49
   8.9 Prohibition of the use and possession of cellular phone ................................ 49
   8.10 Convicted and/or Non-registered workers of the shelters .......... 50
   8.11 Teenage mothers/siblings ..................................................................... 51
   8.12 Lack of freedom for residents to practise their religion .......................... 51
   8.13 No insurance policy for Residents and Employees ............................... 52
   8.14 The CDU ............................................................................................. 53
   8.15 Need for Increase in resources for the CDU ........................................... 55
9. Recommendations for reforms to be brought to the entire system of accommodation of all minors in Residential Care Institutions/Shelters ........................................... 57
   9.1 Assessment/Promotion of parental care/Reintegration – the need for continuous rehabilitative work between parents and children .................. 57
   9.2 Uniformity in providing care services – setting up of a Regulatory Body ...................................................................................... 58
9.3 The Committal Order/Rights of parents and children to be heard........................................... 59
9.4 Downsizing of Residential Care Institutions/Shelters for children ........................................... 59
9.5 Adoption and Foster Care/Family based option – reduction in residential care......................... 61
9.6 Reduction in admission in shelters because of foster care and adoption .................................... 62
9.7 Uniformity in the mode of financing Residential Care Services................................................. 64
9.8 Corporate Social Responsibility (CSR), Private Contributions and international assistance ........................................................................................................................................ 65
9.9 From Victims at home to Beyond Control in shelter/Do away with Beyond Control as a criminal offence........................................................................................................................................ 68
9.10 Training for carers and caregivers.................................................................................................. 70
9.11 Designation of a trust person for each resident ............................................................................. 70
9.12 Direct Placement to Shelter/Delegation of powers from Permanent Secretary to Managers of shelters....................................................................................................................................... 71
9.13 Delegation of powers from Permanent Secretary to Managers of Shelters ................................. 72
9.14 Reviews on suitability and duration of the alternative care............................................................. 72
9.15 Children with disabilities .............................................................................................................. 73
9.16 Mental health of children in distress............................................................................................... 74
9.17 After 18 years/Is half-way home up to 24 years justified? ............................................................. 76

10. Summary of recommendations ........................................................................................................ 78
11. Acknowledgements ........................................................................................................................... 89
1. **INTRODUCTION**

The family is unanimously considered as the fundamental group of society and natural environment for the growth and well-being of its members and particularly children who should be afforded the necessary protection and adequate assistance. On the other hand, in order to ensure that the child’s personality develops in a harmonious manner, the latter should grow up in a family environment where there is love and affection.

However, there are several instances, where, in their best interests, the children are removed from their family as a result of the family’s failure to support and provide adequate care to the child or upon the family’s conduct which represents a risk of harm for them. But, removal from parental care should be seen as a measure of last resort after unsuccessful protective actions had been taken to combat that harm.

By virtue of article 20(1)(2) of the Convention on the Rights of the Child, which was ratified by the State of Mauritius in 1990, these children are entitled to special protection and assistance by the State, which in such case ensures alternative care for them. Alternative care includes foster placement, adoption and also contemplates placement in suitable institutions for the care of children. The care option needs to be regularly reviewed in order to assess the continued provision of such care and the viability of potential integration with the family.

It is against the background of the principles enunciated in the guidelines for the alternative care of children, which aims at enhancing the implementation of article 20 of the Convention on the Rights of the Child that this Committee has carried out its assignment in respect of minors in Mauritius who have been deprived of parental care. The Child Protection Act (CPA) 1994 sets out the conditions and circumstances in which a child may be removed from his family and committed to a place of safety.
Section 4(1) of the Child Protection Act (CPA):

“where a district magistrate is satisfied by information on oath that the Permanent Secretary has reasonable cause to believe that a child is suffering or likely to suffer significant harm, the district magistrate shall issue an emergency protection order.”

And Section 8 of the Child Protection Act:

“where the Permanent Secretary has reasonable ground to believe that a child is ill-treated, neglected, abandoned, destitute or otherwise exposed to harm, and that it is in his interests to be committed to a place of safety, he may apply in writing to the court for a committal order.”

“where after hearing evidence including that of any parent, wherever possible and practicable, the court considers it necessary in the interests of the child, it shall order that the child be committed to a place of safety until the child reaches the age of 18 or for such shorter period as the court may deem fit.”

The Ministry of Gender Equality, Child Development and Family Welfare through the Child Development Unit (CDU) ensures the supervision and placement of children in 21 places of safety also known as Residential Care Institutions/Shelters whose Management and operation are the main objects of our investigation.

Before proceeding further, it is useful to understand the following terms which will recur all along this report:

(a) Place of safety
(b) Shelters
(c) Residential Care Institutions
1.1 **Place of safety**

Section 2 of the Child Protection Act defines “place of safety” as meaning any place designated by the Minister and includes a foster home, a convent, a charitable institution, and an institution for children and a hospital. According to information gathered from the Ministry of Gender Equality, Child Development and Family Welfare, there are several criteria which a Residential Care Institution/Shelter needs to satisfy, in order to be designated as a place of safety, among others, the state of the premises in respect of safety, cleanliness and sanitation, security of the neighbourhood, certificate of character of the carers and the managers.

1.2 **Shelter**

Shelter connotes the idea of a temporary place for the child who has been removed from its parents and committed to a place of safety pursuant to an Emergency Order issued by the District Magistrate, on an application made to the court by the Permanent Secretary of the said Ministry until final determination of the application, when he would be transferred to a Residential Care Institution.

1.3 **Residential Care Institution**

Residential Care Institution is a permanent placement for a child who has been committed to a place of safety, following a determination by the District Magistrate on an application made by the Permanent Secretary of the Ministry. But in practice after final determination of the application, the CDU accommodates children committed to a place of safety both in Residential Care Institutions as well as Shelters. There is no significant difference in the day to day running of Residential Care Institutions and Shelters since their management is subject to the same obligations of care. Several Residential Care Institutions/Shelters have not been designated place of safety, most probably because of the broad definition of place of safety in the Act which includes charitable institutions, convent, institution for children and hospital. In fact, five of them are holders of permit of operation issued by the Residential Care Home Board under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions.
Furthermore, the government provides financial assistance to all Residential Care Institutions/Shelters, but the mode of financing differs. Shelter Forest Side (Shelter for women and children in distress) receives a yearly grant whereas four shelters namely Cap Malheureux, La Marguerite, La Cigogne and La Dauphinelle operate under a management services contract. La Colombe is managed by the staff of the National Children’s Council under a management services contract. The remaining 15 Residential Care Institutions/Shelters are paid a capitation grant per day, which has been revised in July 2015, from Rs 252.18 to Rs 378.27 per child.

Vedic Social Organisation, a Non-Governmental Organisation (NGO) manages three Residential Care Institutions/Shelters namely La Marguerite, Paillotte and La Dauphinelle. Two of them namely La Marguerite and La Dauphinelle, through a management services contract following a procurement process, whereas Paillotte, is financed by a capitation grant. For the purpose of this assignment, Residential Care Institutions/Shelters will be referred as ‘shelters’ and the Ministry of Gender Equality, Child Development and Family Welfare as ‘Ministry’.

2. **Terms of Reference**

Following several representations/complaints and critics levelled against the management of shelters either by the press or through anonymous letters in relation to the quality of care provided to the residents, the Ministry of Gender Equality, Child Development and Family Welfare decided to enquire further. And on 4 May 2015, a Fact Finding Committee chaired by Mr D. Vellien assisted by Mr C. Grenade and Ms S. Rajiah as members was appointed. Mrs J. Jaunbocus, Deputy Permanent Secretary of the Ministry, was designated to act as Secretary of the Committee. The terms of reference of the Fact Finding Committee are as follows:

(a) to investigate into the various complaints and representations made in respect of management of Residential Care Institutions/Shelters for children and services being provided to their residents;
(b) to inquire into and assess the operation of Residential Care Institutions/Shelters for children under a management services contract or receiving grant from this Ministry other than capitation grant;

(c) to assess whether Residential Care Institutions/Shelters for children receiving a capitation grant per child placed under their care are meeting the needs of those children;

(d) to make Recommendations for addressing shortcomings identified; and

(e) to recommend reforms to be brought to the entire system of accommodation of all minors in Residential Care Institutions/Shelters for children for their enhanced “prise en charge” in line with the Convention on the Rights of the Child including the basic standard of care to such children.

3. **Methodology**

A press communiqué was issued on 15 May 2015 to inform the public at large of the setting up of the Committee and to invite interested persons wishing to depone to forward their names and addresses to the secretariat of the Committee. The Committee visited the 21 shelters as well as some five houses accommodating children under committal order. The manager of each shelter was called upon to answer a questionnaire in relation to the management of the Shelters. The Magistrates also expressed their views on certain legal aspects of an Emergency Order and a Committal Order. The Committee held 100 sessions and heard 70 deponents, who either made complaints or representations in respect of the operation of shelters or proposals for reforms. The Committee had the opportunity to hear the Ombudsperson for children, Mrs R.N. Narayen, former lady Judge, Mrs S. Aumeeruddy Cziffra, former Ombudsperson for children, and the former Minister responsible for child development, Mrs A. Navarre-Marie. Mr H. Lassémillante, Deputy Vice-Chairperson of Preventive Mechanism Division, National Human Rights Commission also deponed after visiting various shelters. The Committee had the benefit of having evidence from the head of the CDU as well as other staff of the Ministry, specially those responsible for prompt intervention when a child is at risk of harm; the removal process leading to an application before court for an emergency
order, followed by the issue of an interim order, and finally, if any, a final Committal order to commit the child to a place of safety. Additionally, their duties also include a follow up of the children at a place of safety up to their final discharge at 18, either returning back to the family or alternate accommodation.

During our visits to the shelters, the Committee noticed significant shortcomings and took note of the structural details of the premises, and interviewed the management, children and staff.

Before examining the representations and complaints made in respect of the management and operation of the 21 shelters and for a better understanding of our assessment and findings, the Committee has thought it useful to set out a brief outline of these shelters.

4. **The 21 Residential Care Institutions/Shelters**

4.1 **L’Oiseau du Paradis**

L’Oiseau du Paradis is a government-owned shelter located at Pavillon, Cap Malheureux in a building of around 500 m². It is managed by the Human Service Trust which was awarded a Management Services Contract by the Ministry in February 2012 for a period of three years, renewable on a yearly basis upon satisfactory performance, for an annual amount of Rs 5,430,500. The contract has been renewed on a month-to-month basis at its expiry.

Mr R. Ahotar is in charge of the shelter which accommodates 38 boys aged between 6 and 16 years. The shelter comprises two spacious dormitories each comprising 19/20 beds; each dormitory is fitted with 3 bathrooms and one common urinary basin; there are also three additional toilets.

The children attend SSR Government school of Cap Malheureux; secondary educational institutions of Goodlands and Triolet; and a specialised school located in Triolet, known as the SSR Disability Services Centre.
The personnel comprises of one office secretary, one full-time psychologist, 11 caregivers, two cooks, two helpers, two security guards and one handyman/caregiver. Social workers assist the management on a voluntary basis.

4.2  **La Colombe**

La Colombe is a government-owned shelter located at Royal Road, Terrasson, Pointe aux Sables. It is managed since April 2008 by the National Children’s Council, a parastatal organisation under the aegis of the Ministry. The resident population of the shelter comprises of 11 babies, 22 boys aged between 3 to 10 years and 62 girls aged between 3 to 17 years. The shelter which is operating beyond its normal capacity of 60 residents faces several problems, as evidenced during the numerous site visits, effected by the Committee. These problems relate to hygiene problems due to sharing of clothes and toothbrushes by residents of the same age group, overcrowding and inadequate infrastructural facilities.

Mrs S. Gulbul, Ag. officer-in-charge of the shelter is responsible for the day-to-day management; the other staff members include 22 child caregivers, one cleaner, one cook, two handy workers and a watchman.

The children attend pre-primary, primary, secondary and special needs educational institutions of the Pointe aux Sables, La Tour Koenig, Beau Bassin and Rose Hill regions.

The running costs of the shelter are met by the National Children’s Council from its recurrent budget allocated by the Ministry.

4.3  **La Cigogne**

La Cigogne is a government-owned shelter for babies up to the age of 3, located at Avenue Victor de La Faye, Floréal. It is managed by the Children Foundation which was awarded a Management Services Contract by the Ministry on 11 December 2013 for a period of three years, renewable on a yearly basis upon satisfactory performance, for an annual amount of Rs 2,500,000.
Mrs K. Seetul is in charge of the shelter which accommodates 15 babies, 9 boys and 6 girls aged between 10 months and three years. The building which is around 110m² is fitted with two spacious rooms each fitted with around eight cots.

The personnel also comprises of 10 caregivers, two helpers/assistant caregivers and one driver/assistant administrator. Services of psychologists are provided by the Ministry and for paediatric services, management has recourse to the services of the Ministry of Health and Quality of Life.

4.4  **Foyer Mgr Leen**

Foyer Mgr Leen is a charitable institution which holds a permit of operation issued by the Residential Care Homes Board under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions. It is located at Gordon Street, Rose Hill and is operated by the ‘Société des Filles de Marie de St Denis’.

Sister Danielle Bégué is in charge of the institution which is located in a spacious building and yard owned by the Roman Catholic Diocese of Port Louis. 19 girls aged between 5 to 18 years are placed in the shelter which is fitted with two rooms of six beds and one room of seven beds. There are six bathrooms and six toilets for the residents.

Sources of revenue to meet the daily expenses of the children include the capitation grant from the Ministry, CSR funding, donations from the congregation as well as the diocese and social security pensions.

The children attend pre-primary, primary and secondary educational institutions of Rose Hill, Quatre Bornes and St Pierre and the specialised school run by CEDEM in Floréal.

4.5  **Crèche Coeur Immaculé de Marie**

Crèche Coeur Immaculé de Marie is a charitable institution which holds a permit of operation issued by the Residential Care Homes Board under the aegis of the Ministry
of Social Security, National Solidarity and Reform Institutions. It is located at Avenue Sir Virgil Naz, Quatre Bornes and is operated by the Roman Catholic Diocese of Port Louis.

Sister Marie Lourdes Lebon is in charge of the institution which comprises a spacious building of 964m² on a wide plot of land. 29 children are accommodated in the shelter including 10 girls and 19 boys of 3 months to 4 years. The babies are accommodated in two dormitories fitted with 12 and 8 cradles respectively and the elder children in three rooms; 12 toilets and 5 bathrooms are available.

The institution runs a pre-primary school on the premises to which are admitted the children of the shelter and those from surrounding areas. The Committee which visited the shelter observed that the school is well equipped for the harmonious development of the children.

The personnel comprises five child nurses, one baby sitter, one receptionist, two cleaners, one laundress, one ironer and one cook.

Sources of revenue to meet the daily expenses of the children include the capitation grant from the Ministry and donations from the congregation and the diocese.

4.6 Shelter for Women and Children in Distress

The Shelter for Women and Children in Distress is a Trust located at Icery Street, Forest Side. The Trust which comprises eight members is chaired by Mrs S. Baguant, Social Worker. The Ministry of Gender Equality, Child Development and Family Welfare; the Ministry of Social Security, National Solidarity and Reform Institutions; and the Ministry of Finance and Economic Development are also represented on the Trust.

The building is a spacious one of around 941m² and comprises of 10 bedrooms each fitted with two bunk beds. There are 33 residents comprising 30 girls aged between 5 to 18 years, the baby of a resident and two boys of 6 whose siblings are placed in the shelter. The children attend pre-primary, primary and secondary educational
institutions of Forest Side, Curepipe and Wooton and the special needs school run by the shelter, APDA and CEDEM. The Trust receives a revised yearly grant of Rs 2.2M since July 2015 from the Ministry, payable in two yearly instalments. Other sources of revenue, representing 40% of expenses, include principally fund raising activities and donations in kind/cash.

The personnel comprises of seven caregivers/relief caregivers, two Community Support Officers, two Education Officers, one laundry lady/cleaner and two watchmen.

4.7 **Association pour les Handicapés de Malherbes**

Association pour les Handicapés de Malherbes situated at Henry lane, Rue Lees Curepipe is a Non-Governmental Organisation recognised as a place of safety, accommodates some 15 young people with severe disabilities, including a one year old girl with Down Syndrome, in a rented residential building of 5 sleeping rooms. Most of them attend the Association pour les Handicapés de Malherbes Specialised Education Needs School situated at Leclézio Street Curepipe. Mrs Marie Rose Gaspard and Miss Angelique Marie Rose are directors of the institution, assisted by a Manager, a coordinator, seven carers, one cook and one driver. 55% of yearly expenses come from CSR and donations and the remaining 45% from capitation grant of the Government. The institution also runs a specialised school for about 40 children with severe disabilities, drawing a grant of Rs 97,000 from the Ministry of Education, Human Resources, Tertiary Education, and Scientific Research.

4.8 **Etoile du Berger**

Etoile du Berger managed by Mr G. Lebreux is a Non-Governmental Organisation designated by the Ministry to operate as a place of safety. Some 20 children and young people accommodated in three rented houses, namely House 1 at Shelbeck Avenue, Albion, House 2 at Avenue Mulet, Albion, and House 3 at Impasse Marly, Roches Brunes. There are 9 girls ranging from age 5 to age 13 and 11 boys from age 4 to age 14. The Committee visited on two occasions House 1 and House 2. The toilets and bathrooms are adequately maintained and sufficient for the average number of resident in each house, that is, some 7 to 8.
If there is a rather spacious yard in House 1, House 2 has a small one, not appropriate for some 7 to 8 children to exercise outdoor recreational activities. The Institution hires services of two Psychologists, a General Practitioner and when necessary refers children to specialists. The personnel also comprises of two social workers, seven carers, three resident youth leaders. The children attend pre-primary, primary, secondary and specialised schools situated at Albion, Rose Hill, Quatre Bornes, Belle Rose, La Caverne, and Camp Levieux. Etoile du Berger derives 24% of its revenue to meet running costs from capitation grant from government whereas CSR and Donations represent 76% of its expenses.

4.9 **CEDEM**

The centre d'éducation et de développement pour les enfants mauriciens situated at Beetun Lane, Floréal, is a Non-Governmental Organisation, recognised by the Ministry as a place of safety and accommodates some 28 minors in two premises. Those children placed in CEDEM are not only victims of different types of abuses but comprise also of those with mild to severe disabilities. In Floréal, there are 7 children with mild to severe disabilities and 4 children with no disabilities, one draws a pension and another is entitled to social aid, whereas in Vacoas there are 9 children with disabilities and 6 children with no disabilities. One child with disability draws a pension and three others are entitled to social aid.

CEDEM employs a clinical psychologist and a physiotherapist on a full time basis and for psychiatric treatment refers to the Brown Sequard Hospital. The area of residential setting at Floréal is 184 m² owned by CEDEM, whereas that of Vacoas is of 329 m² and is rented at Rs 25,000 monthly. There are 3 sleeping rooms, 3 toilets and 2 bathrooms in Floréal and 4 sleeping rooms, 4 toilets and 2 bathrooms in Vacoas. CEDEM provides for children, with special needs (children with disabilities and abused children) to quality education, namely the CEDEM primary specialised school and School for the Welfare of the Deaf. CEDEM also offers courses in special education and courses in child welfare for workers and teachers to cater for children with special needs.
The CEDEM of Vacoas and Floréal is managed by a Director, benefitting also the services of one clinical psychologist, one physiotherapist, and one Dietician. For CEDEM of Vacoas, there is one social worker, one chief animator, one animator, 3 wardens, 3 assistant workers, one cook and one driver, whereas that of Floréal has a manager, one social worker, one chief animator, one animator, two wardens, one assistant warden, one cook, one security officer and one gardener.

The management of the shelter lays much emphasis on specialised training and qualification of the staff. The two centres are financed by the capitation grant of the Ministry as well as pension and social aid by the Ministry of Social Security, National Solidarity and Reform Institutions to the extent of 56% whereas the remaining 44% of the expenses comes from European Union and CSR Funding.

4.10 Mauritius Muslim Orphanage

The Mauritius Muslim Orphanage is a charitable society which holds a permit of operation issued by the Residential Care Homes Board under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions. It operates two sections, namely a female branch located at 40, Labourdonnais Street, Port Louis and a male one at 28, St Georges Street, Port Louis. Both children and adults of Muslim faith are accommodated in each section. Out of a total resident population of 82, only two orphan girls were under committal order.

Mr Mohamad Khan Domun is the President of the Society while Mr Hassam Khan Domun and Mr Omar Jhingoor are the administrators of the female and male sections respectively.

83% of the yearly expenses of the orphanage are funded otherwise than by government subsidies and old age pensions of residents, namely through donations and rental.

4.11 Gayasingh Ashram

Gayasingh Ashram is a charitable institution which holds a permit of operation issued by the Residential Care Homes Board of the Ministry of Social Security, National
Solidarity and Reform Institutions. It operates under the aegis of Arya Sabha, which is the owner of the building located at 2, Pandit Gayasingh Street, Port Louis. Its Director is Mrs C.K. Bhuckory.

6 children, including 5 girls and one boy aged between 11 and 17 years are placed at the Ashram. Expenses are covered from the capitation grant received from the Ministry.

However, its other 87 residents are elderly persons referred by the Ministry of Social Security, National Solidarity and Reform Institutions. The accommodation of both children and elderly people in the same building and compound is considered not to be proper.

4.12 **La Clairière Convent**

La Clairière Convent, located at Bonne Terre, Vacoas is a charitable institution which holds a permit of operation issued by the Residential Care Homes Board of the Ministry of Social Security, National Solidarity and Reform Institutions.

It is a society which is operated by “Les Filles de Marie” of the Roman Catholic Diocese. Three girls aged between 16 and 17 years are currently placed in the convent which belongs to the diocese. Sources of revenue include government subsidies, contribution from the parents and the religious congregation. On two occasions the Committee has been at Bonne Terre but could not visit and meet the residents, being given that the sister-in-charge was not available.

4.13 **La Marguerite Shelter**

La Marguerite Shelter, located at Avenue Belle Rose, Quatre Bornes, is operated under a management services contract between the Ministry and Vedic Social Organisation, a Non-Governmental Organisation. The contract which was awarded to Vedic Social Organisation on 25 July 2013 for the sum of Rs 4,725,600 annually for a maximum of three years is renewable every year. However, it was renewed on a
month-to-month basis by the Ministry at the end of the first year in view of numerous shortcomings.
Mrs Jeeanmotee Guness is the Director of the Vedic Social Organisation. The shelter is managed by Mrs Priya Purgus who is assisted by an Executive Officer and seven care givers.

The building which is rented by the above-named Ministry at Rs 65,000 monthly is made up of two storeys, with one sleeping room on the ground floor and three others on the first floor, each of an area of around 15 ft². Four toilets and two bathrooms are available for the residents. The size of the yard is not proportional to the size of the resident population for the proper practice of outdoor activities.

26 girls aged between 4 and 17 years are currently placed in the shelter. They attend pre-primary, primary and secondary educational institutions depending on their age; children with learning difficulties are admitted to the Transformative Learning Centre operated by Vedic Social Organisation at Rampath Lane, Phoenix.

4.14 **La Dauphinelle Shelter**

La Dauphinelle Shelter, located at Eau Coulée, Curepipe is the second management services contract issued to Vedic Social Organisation by the Ministry for the placement of children under a committal order. The contract which was awarded to Vedic Social Organisation on 11 December 2013 for the sum of Rs 2,599,200 annually for a maximum of three years provides for the placement of a maximum of 12 girls. The initial contract was renewed in December 2014 for a further period of one year.

The building which is rented by the Ministry for the sum of Rs 38,500 monthly is a three-storeyed building comprising of eight sleeping rooms on the first floor, each fitted with two beds. Four toilets and four bathrooms are also available. There is no yard for the children to practice any outdoor activities.
There are currently 10 residents aged between 12 to 17 years admitted to the shelter. 3 of them attend the specialised school operated by Vedic Social Organisation while the others are admitted to secondary educational institutions.

The shelter is managed by Mrs R. Tooreea and Mrs G. Cesar. Other members of the personnel include one clerk and five caregivers.

4.15 **Heaven Children Centre**

Heaven Children Centre is a shelter operated by the Non-Governmental Organisation, Vedic Social Organisation at Raghoo Lane, Paillotte, Candos. Its Managers are Ms Jemima Guness and Mrs Rajshree Veerasamy; the personnel includes one administrative staff, four caregivers, one cook and one driver. The services of a social worker are also hired when the need arises.

24 girls are placed in the shelter, which is a building of 4 sleeping rooms of 15 ft² each. A monthly rental of Rs 26,000 is paid by the NGO. Each room is fitted with four double beds; four toilets and four bathrooms are also available. The yard is rather small in comparison to the size of the resident population.

The monthly expenses are covered by the daily capitation grant provided by the Ministry. The NGO also benefits from school materials and clothes from benefactors.

4.16 **Association pour l’accompagnement, la réhabilitation et la réinsertion sociale des enfants (ARISE)**

ARISE is a society which owns a building located at 2, Albatross Street, Pointe aux Sables, declared as place of safety by the Ministry in 2015. The building accommodating the children was purchased from the Mauritius Housing Corporation by the Society under the Sale by Levy Scheme. Prior to their transfer to the new premises, the children were accommodated in a rented building at Bain des Dames, Cassis. There was no yard for the children to practice outdoor activities and the building was rather small for so many children.
The President and Secretary of ARISE are Mrs May Palacksing and Sister Elisabeth Songor respectively.

10 boys, aged between 6 to 14 years, from broken families or due to the death of their parents, are admitted to the shelter. The size of the building and the yard are minimal with regard to the number of residents. The children of primary level attend Pointe aux Sables Government School and those of secondary level attend Bhujoharry College and Port Louis High school.

Sources of revenue to meet the daily expenses of the residents include the capitation grant from the Ministry and CSR to the tune of 80% and 20% respectively.

4.17 **Foyer Père Laval**

Foyer Père Laval is a charitable institution which holds a permit of operation issued by the Residential Care Homes Board under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions. It belongs to the Roman Catholic Diocese of Port Louis and is located at 27, Nicolay Street, Port Louis. Brother Robert Lourdu Samy and Brother Maria Joseph from India are in charge of the institution.

33 boys aged between 5 and 18 years are placed in the Foyer. The building is a very spacious two-storeyed one of around 44m by 61m and comprises 9 sleeping rooms each fitted with 4 beds. There are 12 toilets and 16 bathrooms for the residents. Specialist rooms including a computer room, library, judo room and chapel are available. The yard is also very spacious for the practice of outdoor activities.

The personnel comprises of 5 educators, one secretary, one cook, one cleaner, one laundry and polyvalent staff and one catering for the community of religious people. The children attend pre-primary, primary and secondary educational institutions of the Port Louis and Rose Hill regions and Ruth School (SENS) situated at Rose Hill. Foyer Père Laval derives 75% of its revenue to meet running costs from capitation grant from government whereas CSR Funds and Donations cater for 25% of its expenses.

4.18 **Terre de Paix**

Terre de Paix managed by Mr A. Muneean is a Non-Governmental Organisation located at Camp Créole, Albion. Some 45 children and young people are
accommodated in five foster homes located at Albion and two Youth homes located at Quatre Bornes and Mont Roches. There are 7 girls ranging from age 7 to age 16 and 38 boys and young adults from age 4 to age 20.

10 foster mothers/assistant foster mothers and 4 foster fathers are in charge of the day to day running of the foster homes. 4 youth leaders cater for the two Youth homes. The personnel comprises also of one social worker, one educational coach, 2 night attendants and one driver.

22 young people attend the fondation pour l’enfance special needs school and Training Unit of Camp Créole, Albion. The remaining children attend pre-primary, primary, and secondary educational institutions of the Albion region. Terre de Paix derives 56% of its revenue to meet running costs from capitation grant from government whereas CSR Funds and Donations cater for 44% of its expenses.

4.19 **SOS Children’s Village (Bambous)**

SOS Children’s Village of Bambous is a private company limited by guarantee located on a plot of state land of 2.95 acres at Princesse de Guinée, Geoffroy, Bambous. It is based on the SOS Kinderdorf International (KDI) concept from Germany as the project was sponsored by the international organisation. 51 children are accommodated in 12 family houses with 3 bedrooms in each house for an average capacity of 6 children per house and two rooms for SOS mothers.

Ms C. Appadoo is the Programme Manager and is assisted by a Programme Unit Coordinator and a Pedagogical Manager. The residents comprise of 25 girls aged between 2 and 17 years and 26 boys aged between 3 and 17 years.

The company hires the services of 2 psychologists and one psychotherapist on sessional basis. The personnel comprises also of two social workers, one senior social worker for after-care support and one coach for sports and activities.

The children attend pre-primary, primary, and secondary educational institutions. Only two of them attend a specialised school. The company derives 55% of its
revenue to meet running costs from capitation grant from government whereas CSR Funds, Donations and international subsidies, namely from SOS KDI cater for 45% of its expenses.

4.20 **SOS Children's Village (Beau Bassin)**

SOS Children’s Village of Beau Bassin is located at 3, G. Ythier Street, Beau Bassin on a plot of land of 1.5 acres. 49 children are accommodated in 14 family houses with 3 bedrooms in each house for an average capacity of 6 children per house. There are also two rooms for SOS mothers in each house. There are 18 girls aged between 2 and 18 years and 31 boys aged between 6 and 18 years in the Village.

Ms C. Appadoo is the Programme Manager and is assisted by a Programme Unit Coordinator and a Pedagogical Manager. The company hires the services of 2 psychologists and one psychotherapist on sessional basis. The personnel comprises also of 3 social workers, one senior social worker for after-care support and one coach for sports and activities.

The children attend pre-primary, primary, and secondary educational institutions. Only two children attend a specialised school. The company derives 55% of its revenue to meet running costs from capitation grant from government whereas CSR Funds, Donations and international subsidies, namely from SOS KDI cater for 45% of its expenses.

4.21 **Association pour les amis de Don Bosco**

L’association pour les amis de Don Bosco is a Non-Governmental Organisation managed by Mr R. Rabemananjara located at 136, Route des Pamplemousses, Ste Croix. Some 30 children and young people are accommodated in two rented houses, namely House 1, Lakaz Mama Marguerite at Avenue des Roses, Morcellement Swan, Baie du Tombeau and House 2, Maison Don Bosco at Avenue des Anthuriums, Morcellement La Cocheyle, Baie du Tombeau.
There are 16 girls ranging from 18 months’ old to 13 years and 14 boys from 3 years to 18 years in House 1 and 2 respectively. The Committee visited both houses. There are four toilets and three bathrooms in House 1 and two toilets and two bathrooms only in House 2 which are not sufficient for the average number of residents in each house.

If there is a rather spacious yard in House 1, House 2 has a small one not appropriate for some 14 children to exercise outdoor recreational activities. The institution ensures that its personnel is properly trained to respond to the psychological needs of children and hires the services of psychologists in extreme cases only. The personnel comprises also of one house coordinator, an administrator, 10 carers, one transport officer, one cleaner and one laundry attendant.

The children attend pre-primary, primary, secondary and specialised schools situated at Port Louis, Morcellement Raffray, Arsenal and Morcellement St. Andre. The institution derives 65% of its revenue to meet running costs from capitation grant from government whereas CSR Fund and Donations represent 30% and 5% of its expenses respectively.
5. **INVESTIGATION INTO VARIOUS COMPLAINTS AND REPRESENTATIONS MADE IN RESPECT OF MANAGEMENT OF RESIDENTIAL CARE INSTITUTIONS/SHELTERS FOR CHILDREN AND SERVICES BEING PROVIDED TO THEIR RESIDENTS.**

Several complaints and representations coming from various sources including former employees, namely, carers and residents of the shelters were made to the Ministry which prompted the latter to investigate further into the matter.

The Committee carried out investigations in respect of allegations of

(1) Assault by director/employees of shelter upon residents
(2) Sexual abuse by Assistant Manager of La Dauphinelle upon resident in shelter
(3) Attempt at suicide by resident in shelter
(4) Teenage residents attending birthday party at night at place of employees
(5) Corporal punishment
(6) Inappropriate food
(7) Underpaid salaries
(8) Insufficient right of visit
(9) Unfit place of safety
(10) Lack of appropriate staff
(11) Lack of hygiene

5.1 **Assault by director/employees of shelter upon residents**

It has been brought to the attention of the Committee that Mrs Jeeanmotee Guness, Director of Vedic Social Organisation, Hollyrood, Vacoas and her two daughters namely Miss Jemima Guness, Manager and Miss Ketsia Guness, caregiver have allegedly assaulted three female residents. The investigation has revealed the following:

(i) On 19 June 2013 at around 19.45 hours, Police Sergeant Salim Reza Mungroo posted to Brigade pour la protection des mineurs attended to a request whereby three minor female residents had absconded from the
Vedic Social Organisation shelter at Vacoas. They were found on the next day and had confessed having escaped because they were ill-treated and beaten up very often by the director, her two daughters and a caregiver.

(ii) On 20 June 2013 and 21 June 2013, the three residents stated to the Police Sergeant that they were beaten up on several occasions in the past by Mrs Jeeanmotee Guness, her two daughters, Jemima and Ketsia and one Mrs Kiran Chinapen, caregiver. All of them have denied the charge levelled against them. They are prosecuted before the District Court of Curepipe for child ill-treatment in breach of section 13(1) and (2) of the Child Protection Act as amended by Act 15 of 1998. Since this case is still pending before court, the Committee does not wish to comment further on same. However, the Committee is of the view that, though they have not been found guilty yet, the C.D.U should have requested them to step down until the final determination of the cases, being given of the nature of the offence which is closely related to the protection of the child.

5.2 **Sexual abuse by Assistant Manager of La Dauphinelle upon resident in shelter**

In March 2014, a young girl then aged 15, resident of La Dauphinelle, reported to the Eau Coulée Police Station that Yieldy Cesar, assistant shelter manager had sexual intercourse with her within the premises of the shelter. The said Yieldy Cesar was arrested, released on bail and provisionally charged with having sexual intercourse with a female under 16. The provisional charge before the District Court of Curepipe is fixed to 12 November 2015, pending the completion of the enquiry. The said Yieldy Cesar has strongly denied the charge claiming that the complainant out of revenge made false allegations against him, being given that some 6 weeks prior to the alleged commission of the offence; he caused her, in his capacity as manager to be removed from the shelter and placed at the Brown Sequard Hospital for treatment. The Committee will not proceed further with this allegation because the matter is still pending before court. Mr Y. Cesar conceded before the Committee that after the allegation of the girl, he no longer worked at the shelter and was transferred to the Transformative Learning Centre operated by Vedic Social Organisation.
5.3 **Attempt at suicide by resident in shelter**

On 14 September 2015, minor X, then resident of La Colombe, attempted at suicide by swallowing liquid soap. She was admitted to hospital on the same day. On 21 September 2015, she was discharged from hospital and placed at S.O.S Village Beau Bassin. According to information received from shelter La Colombe, the minor was encountering adaptation problem at the said shelter. She was also seen by the psychologist of the Ministry who assessed her as being thoughtful, emotionally disturbed and mentally unstable requiring psychological and psychiatric follow-up to maintain her stability.

A press article which appeared on Sunday 18 October 2015 reported the case of attempt at suicide which according to the author was prompted by ill treatment from a member of staff called “Maman”.

In these circumstances, the Committee has considered it appropriate to look further into the matter. The enquiry has revealed as follows:

(a) During her stay at La Colombe, she was frequently being bullied by other residents and the staff did not intervene to reprimand the aggressors.

(b) On several occasions, she expressed her wish to visit her mother, but in vain. A co-resident advised her to swallow liquid soap which will entail her admission to hospital, where her mother could visit her.

(c) There was inappropriate intervention from the staff of La Colombe to prevent and deal with situation like frequent quarrels and struggles between the residents.

(d) There might be valid reasons based on a protective approach to avoid visits by parents but the strong and legitimate willingness of a child to see his/her parents should not be completely ignored.
5.4 **Teenage residents attending birthday party at night at place of employees**

In respect of the allegation which occurred on or about year 2012, Mr Pravesh Purgus, husband of Mrs Priya Purgus, who is the manager of La Marguerite, admitted that two girls, residents of Vedic Social Organisation of Paillote shelter attended a birthday party held at his place at Mont Roches, in presence of his mother-in-law, Mrs Jeeanmotee Guness and her two daughters Jemima and Ketsia. Miss Ketsia Guness could not say who brought these girls to the party. She had stated that her brother-in-law Pravesh Purgus knew one of the residents very well. Since the latter’s birthday had just passed, she was crying and urged them to take her to the party.

5.5 **Corporal punishment**

Besides the allegations of assault made by the residents of Vedic Social Organisation (Vacoas), which is subject matter of court proceedings, two former employees of La Marguerite shelter stated that they witnessed corporal punishment inflicted by a carer upon a female resident. This allegation was strongly denied by Mrs P. Purgus, manager of the shelter.

The management of shelters over and above the prohibition of the CDU for corporal punishment should adopt in that respect the principles for constructive child discipline established by the UNESCO.

5.6 **Inappropriate food**

Two former employees of Vedic Social Organisation alleged that they were employed as cook and carer respectively and were called upon to prepare food for 3 shelters instead of one. They stressed that very often the food prepared was not sufficient for the children because the staff would eat first and then leave the remaining food to be shared among the residents. Very often, they used their own money to purchase more food so as to help the hungry residents. Mrs Jeeanmotee Guness denied this allegation. The Enforcement Section of the CDU should carry out various surprise
visits, even at odd hours (dinner time) whilst being in possession of a comprehensive checklist of obligations of the service provider.

5.7 **Underpaid salaries for workers of shelter**

The staff and more specially the carers received wages different to what was agreed upon by the CDU and the service provider. Indeed, the wage for several categories of employees contractually agreed upon into the bidding documents were not paid accordingly. In such cases, the CDU should ensure strict application of the conditions agreed upon by both parties.

5.8 **Insufficient Right of visit for the residents**

During visit to the shelters, the Committee found that children were generally shy and sometimes in presence of carers, were reluctant to express themselves freely. However, the Committee witnessed a common claim from residents very often in group: "Missié, Madame, faire nous gagne visite". This repeated cry strangely sounds like that of prisoners facing the same difficulty. The Committee can understand that for the safety of children, visits by parents, who are themselves perpetrators, are risky. But the Committee cannot deny the committed child to claim a right of visit to see his/her parent or a close relative.

The Committee strongly feels that the CDU should continue to supervise and monitor visits, but these visits should be arranged within a reasonable time. In case of parents or close relative of the child who do not represent a potential risk, the CDU should delegate its powers to managers of shelters to arrange visits expeditiously.

5.9 **Unfit place of safety**

All the 21 shelters that the committee has visited are supposed to be place of safety. However, some of the shelters are not deemed to be so-called. The places of safety shelter young children and late adolescents. Indoor and outdoor space is essential for children and adolescents to feel free. Children in shelters can benefit from the space available in the yard to do gardening, sit quietly and breathe some fresh air. The
Committee visited shelter Arise, managed by Sister Songor in Bain de Dames, which left the members speechless. There was hardly any space; lack of ventilation; overcrowded; the children were irritated and half naked; the carers could not control the children who had access to a remote control and put the volume of the television to its highest.

With regard to their new premises at Pointe aux Sables, the Committee received documentary evidence to show that residents used to play on the unfenced roof top of the shelter.

5.10 **Lack of appropriate staff**

All shelters need carers to look after the children. Unfortunately, from what the Committee has observed, the carers do not have the appropriate skills and knowledge to work with the residents. Their attitude towards the work and how they do it reveal that they have not been trained to work as carers in shelters. Some of them are unable to manage children within the premises; others cannot handle bad behaviour, disobedience, socio-emotional problems. The Committee noted that most children who join the shelter either develop socio-emotional problems prior to their admission and after they spend some time in the shelter.

5.11 **Lack of hygiene**

During our visits, the Committee has witnessed that during laundry, all clothes are being mixed up and the children have no personal clothes including uniform, toothbrush and underwear. All the underwear are placed in a big basket and the residents have to pick and choose as per their size. The Committee feels that urgent action should be taken by the management of shelters to ascertain that personal clothes including uniform, underwear and toothbrushes are provided to the children who in turn would keep them in a personal locker. Moreover, it would be more hygienic to supply each child with a net basket so that they can keep their own underwear after they have been washed. The Committee is also convinced that teaching each child to wash their own underwear will enable them become aware of self-hygiene.
6. **ENQUIRY AND ASSESSMENT OF THE OPERATION OF RESIDENTIAL CARE INSTITUTIONS/SHELTERS FOR CHILDREN UNDER A MANAGEMENT SERVICES CONTRACT OR RECEIVING GRANT FROM THIS MINISTRY OTHER THAN CAPITATION GRANT.**

There are four shelters namely Cap Malheureux, La Dauphinelle, La Marguerite and La Cigogne which operate under a management services contract whereas two shelters receive grants, namely, La Colombe and shelter Forest Side. The expenses incurred by La Colombe are met by the National Children’s Council whereas that of Forest Side earns a fixed grant of Rs 2.0M yearly. It is apposite at this juncture to outline these two modes of management and their respective funding.

6.1 **Management Services Contract**

The Ministry invites proposals from NGOs and other entities for the management of shelters for children in distress. These NGOs hereinafter called service providers, shall be responsible for the day to day management of the shelter, and provide *inter alia*, food, health & safety, sanitary care and clothing, education and training of administrative staff, cooks, cleaners, transport services and security services.

The Ministry represented by the Permanent Secretary for that purpose referred to as the employer will award the contract to the bidder whose bid is substantially responsive to the bidding documents and has offered the lowest evaluated price. The contract is a fixed lump sum which represents a total amount for a period of one year. In such a contract, both parties shall abide by the provisions laid down in the letter of acceptance, the special conditions of contract, the general conditions of contract, the scope of service, performance specifications, price activity and Memorandum of Understanding.

6.2 **Management of shelter in receipt of grant**

On the other hand, La Colombe shelter which accommodates around 95 children is managed by the National Children’s Council (NCC) and its current expenses are financed by the Ministry after submission and scrutiny of claims. The Ministry funded expenses of Rs10.3M for the period ending December 2013. However this amount
does not include salaries of staff of Sugar Industry Labour Welfare Fund and National Children’s Council posted to the shelter.

The shelter for women and children in distress Trust Fund (Forest Side Shelter) is holder of a Residential Care Home licence and operates a place of safety accommodating some 32 girls from (5-17) years. The financing of the shelter comes mainly from annual grant of Rs 2.0M from the Ministry. Both La Colombe and Forest Side do not have to comply with such stringent contractual obligations as contained in a management services contract. Since 2010, La Colombe is signatory of a Memorandum of Understanding (MOU) with the Ministry for a period of two years providing for some main obligations of each side. In 2012, the said MOU has been renewed on a monthly basis.
7. **Assessment whether Residential Care Institutions/Shelters for Children receiving a capitation grant per child placed under their care are meeting the needs of those children.**

The Committee has deemed it appropriate to outline the needs of the children before examining whether residential care institutions/shelters are meeting same.

7.1 **Needs of children**

Despite the restrictive drafting of the above Terms of Reference, the Committee is of the view that an examination of the needs of all children living in shelters is preferable. Their needs will vary depending on many factors, namely, age, sex, victims of sexual abuse, abandonment, ill treatment. Children with various disabilities require special needs to cater for their mental or physical disabilities. They are as follows:

1. Respecting the rights and integrity of the child as provided on the **Child Protection Act** and the **Convention on the Rights of the Child**;

2. Ensuring security and safety of the child at all times;

3. Providing educational support and proper care plan for each child and access to formal education in accordance with the **Education Act**;

4. Recruitment of qualified and skilled staff; and

5. Ensuring individualised attention by providing each child a caregiver.
7.2 **Table 1.** Names of residential care institutions/shelters under a management services contract, or receiving grant from the Ministry of Gender Equality, Child Development and Family Welfare and number of residents in these institutions.

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Number of Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management Services Contract</td>
<td></td>
</tr>
<tr>
<td>La Dauphinelle</td>
<td>12</td>
</tr>
<tr>
<td>La Marguerite</td>
<td>24</td>
</tr>
<tr>
<td>La Cigogne</td>
<td>15</td>
</tr>
<tr>
<td>Shelter Cap Malheureux</td>
<td>39</td>
</tr>
</tbody>
</table>

*Grant*

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Number of Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter Forest Side</td>
<td>30</td>
</tr>
<tr>
<td>La Colombe</td>
<td>93</td>
</tr>
</tbody>
</table>

**Table 2.** Names of residential care institutions/shelters receiving capitation grant per child placed under their care and number of residents in these institutions.

<table>
<thead>
<tr>
<th>Name of Institution</th>
<th>Number of Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terre de Paix</td>
<td>43</td>
</tr>
<tr>
<td>Foyer Père Laval</td>
<td>31</td>
</tr>
<tr>
<td>Foyer Monseigneur Leen</td>
<td>18</td>
</tr>
<tr>
<td>SOS Village for Children Beau Bassin (Mtius)</td>
<td>55</td>
</tr>
<tr>
<td>SOS Village for Children Bambous (Mtius)</td>
<td>45</td>
</tr>
<tr>
<td>CEDEM</td>
<td>29</td>
</tr>
<tr>
<td>Crèche Coeur Immaculé de Marie</td>
<td>27</td>
</tr>
<tr>
<td>Gayasingh Ashram</td>
<td>6</td>
</tr>
<tr>
<td>Mauritius Muslim Orphanage</td>
<td>2</td>
</tr>
<tr>
<td>ARISE</td>
<td>13</td>
</tr>
<tr>
<td>Etoile du Berger</td>
<td>18</td>
</tr>
<tr>
<td>Association pour les Handicapés de Malherbes</td>
<td>15</td>
</tr>
<tr>
<td>Association des amis de Don Bosco</td>
<td>30</td>
</tr>
</tbody>
</table>
7.3 **Management Services Contract**

Private Service providers managing the government-owned shelters are required to comply with a Memorandum of Understanding (MOU). The scopes of services contract are mainly:

I. to provide for and be responsible for the day-to-day management of shelters for children in distress;

II. to ensure that the shelter is safe so as to protect children from further violence and keep them away from hostile environments;

III. to make arrangements to prepare and provide food to the residents for their healthy living;

IV. to provide the required personnel; and

V. to keep books recording, in details, all income and expenditure for the shelter.

The Vedic Social Organisation previously named as In Celebration of Women Association G.R.N.W was registered at the Registry of Associations on 5 November 2008. Vedic Social Organisation has been awarded the contract for the management services of shelters for children in distress (Girls) at Curepipe, La Dauphinelle and Belle Rose La Marguerite.

(a) **The price of care**

Payment disbursed by the Ministry for the six shelters is as follows:

(i) **Shelter La Dauphinelle Curepipe**

Lump sum contract for management services of the shelter in the sum of Rs. 2,599,200 for one year as from 11 December 2013, where monthly payment of Rs. 216,600 is made to Vedic Social Organisation.
(ii) **Shelter La Marguerite Belle Rose**

Lump sum contract for management services of the shelter in the sum of Rs. 4,725,600 for one year as from 10 April 2013, where monthly payment of Rs. 393,800 is made to Vedic Social Organisation. The contract has been renewed on a month to month basis as from 10 April 2014.

(iii) **La Cigogne Floréal**

Lump sum contract for management services of the shelter in the sum of Rs. 2.5 M for one year as from 11 December 2013.

(iv) **Shelter Cap Malheureux**

Lump sum contract for management services of the shelter in the sum of Rs. 5,430,500 for one year as from February 2012.

(v) **National Children’s Council**

Yearly government grant of around Rs. 9,250,000 to National Children’s Council for management services of the shelter La Colombe.

(vi) **Shelter Forest Side**

Yearly government grant of around Rs. 2.0M to shelter for women and children in distress for management services.
7.4 **Figure 1**: Grant disbursed by Government for management services contract 2014, including Grant to National Children’s Council La Colombe and Shelter Forest Side.
7.5 **Figure 2**: Percentage of Payments by Government to Institutions Under Different Funding Regime.

Based on the data available from the Ministry, a review of pricing produces a wide distribution of results. The Committee found that the going rate for placement differs according to the funding regime.

The average daily rate per child as at 31 December 2014 was as follows:

- Under Management Services Contract - Rs.460.12
- National Children Council “La Colombe” - Rs.362.04
- Under Capitation Grant - Rs.252.18*
- Foster Care - Rs. 50.00

*Capitation Grant has increased from Rs252.18 to Rs378.27 as from July 2015.
### Figure 3: Daily rate paid to residential Institutions as at 31 December 2014

<table>
<thead>
<tr>
<th>Residential Institution</th>
<th>Daily Grant per Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>La Dauphinelle &amp; La Marguerite</td>
<td>557.44</td>
</tr>
<tr>
<td>Shelter Cap Malheureux</td>
<td>381.49</td>
</tr>
<tr>
<td>La Cigogne</td>
<td>430.96</td>
</tr>
<tr>
<td>La Colombe</td>
<td>362.04</td>
</tr>
<tr>
<td>Capitation Grant</td>
<td>252.18</td>
</tr>
<tr>
<td>Foster Care</td>
<td>50.00</td>
</tr>
</tbody>
</table>

There are wide variations in the price paid for care when comparison is made between those receiving grant for management services and those receiving capitation grant for each child placed under their care. Those under management services contract do not have to incur expenses in respect of maintenance of building and purchase of furniture and equipment.

### 7.7 Analysis of the services provided in residential care institutions

There is no evidence to ascertain whether the CDU is performing visits and making follow-up to ensure compliance with the conditions for those under management services contract and those receiving capitation grant. For instance, maintaining all records and submitting monthly report on residents are required. The Committee scrutinised a monthly report at La Marguerite and found that there was only one word reporting the state of health of the residents.
7.8 **Psychological and Emotional needs**

Crimes against children including sexual abuse, rape, child prostitution and sexual harassment are likely to produce a long-term negative effect on the psychological wellbeing of children and may even jeopardize their ability to live a normal life.

7.9 **Education/Training**

A large number of children in the care of placement services do not currently access mainstream education system. They exhibit challenging behaviours that are unmanageable within the normal classroom setting. They have often been excluded from the normal education environment and either have no formal education or training programs suited to their needs. Other children may have to travel lengthy distances to attend specialised programs.

Lack of educational opportunities means that many of the children enter care behind their peers educationally and due to embarrassment, lack of self-respect and self-esteem, may either refuse to participate in an educational programme or become disruptive to the point of succeeding in being excluded from the system rather than being identified as requiring “special educational needs”.

7.10 **Health**

It is not possible to determine the overall health status of children in residential care due to the lack of trend and population data. The limited information available indicates that children in residential care experience poorer health outcomes, particularly in relation to mental health care.

The health needs of a significant number of children in residential care are not assessed. The Committee has identified that most of the children had not had a health assessment; a dental assessment; a mental health assessment and did not have an active general practitioner management plan.
7.11 **Personal development**

The lack of quality assurance mechanism in place means that CDU cannot be confident that the personal development needs of children are being adequately planned for and effectively met. There is no information about improvements to be made.

7.12 **No case plan**

The Committee has observed that case plans are neither being developed for each child, nor is any effort being made to ensure that case plans are in place and kept up-to-date. The presence of case plans would assist in identifying clear actions and measurable outcomes.

7.13 **Connection with family/Constant rehabilitative work between child and parents to achieve reintegration**

The best interests principles establish the importance of a child or young person remaining connected to their family. Discussions with residential care staff indicate a lack of capacity and capability to engage with the families of children in residential care. Only a few shelters, namely, S.O.S. Village, Terre de Paix and Étoile du Berger showed greater integration of family into their models of care.

There is a shared responsibility between the CDU and Residential Care Institutions to make sure that staff have the capacity and capability to foster a positive connection between a child or young person and their biological family by engaging effectively with families. Steps should be taken to promote regular and direct contact between a child who is looked after and any person with parental responsibilities, so far as is practicable, appropriate and consistent with the duty to safeguard the child’s welfare.

7.14 **Connection to culture and religion**

Children in Residential Care Institutions tend to lose their cultural connection once they leave the community. The CDU does not actively monitor or report on compliance
with this requirement. It is the view of the Committee that the religious persuasion of the child should be taken into account after placement.

7.15 **Staff capacity needs to be strengthened.**

Current staffing models are not providing sufficient quality and stability of care for children in residential care, with implications for children’s education and health. No formal qualifications are required to work in residential care services, yet, staffs are employed to care for children with complex needs, including violent and risk-taking behaviours, substance abuse and mental health issues. It has been noted that a high rate of mobility of staff and also a significant percentage of temporary staff affect the proper and appropriate care and stability of the children.

7.16 **Evaluation of condition of infrastructure, equipment and facilities in residential care institutions/shelters**

The Committee noted the following patterns and trends in the conditions of the buildings, their grounds and facilities, which were characteristic of most of the residential institutions. The state of the buildings was evaluated as “Unsatisfactory” except for a few. For example, Foyer Père Laval, SOS Village Bambous, La Cigogne, Étoile du Berger and Shelter Forest Side.

The following institutions: La Colombe, ARISE, La Marguerite and Heaven Children Centre were found to have the buildings in the worst conditions, potentially dangerous for the health and life of children.

7.17 **Under-utilised capacity**

It is rather strange that whilst shelters like La Colombe and Cap Malheureux are facing an acute problem of overcrowding, the Committee found that shelter, S.O.S. Village Bambous, has vacant care settings.
7.18 **Independent advocacy for children is needed/Designation of a trust person**

There is no clear independent advocacy on behalf of individual children in residential care. Such advocacy is particularly important for children who cannot rely on their families to provide this support. The CDU, the Ombudsperson for children can receive complaints about care from or on behalf of children in residential care. Besides these statutory mechanisms, there is a need, as provided in the guidelines for alternative care, to designate someone who as a trust person can tend an attentive ear to the representations and complaints of the child.

7.19 **Residential care costs are significant**

The total cost of funded residential care services for 2014 is over Rs.60 Million. Value for money is obtained through ensuring a good balance between the quality of service, in terms of outcomes achieved, and its cost. The Ministry cannot ensure that it is achieving value for money as there is insufficient clarity about the quality of services and outcomes and the associated costs to the service available.

Given the lack of strategic planning, poor contractual agreements, and the need for improvement in specific outcomes and care planning, the Ministry cannot guarantee that the service providers are meeting the needs of the children they look after.

7.20 **Clarity in accounts reporting**

After scrutiny of statement of income and expenditure submitted by the shelters, the Committee has noticed various shortcomings which can be summarised as follows:

- Disparity in accounts presentation
- No transparency in books of accounts
- Transactions not properly disclosed
- No reasonable steps for the prevention and detection of fraud or other irregularities
### Daily cost of food per child in shelters

<table>
<thead>
<tr>
<th>Name of Shelter</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARISE</td>
<td>48.49</td>
</tr>
<tr>
<td>Association des amis de Don Bosco</td>
<td>76.71</td>
</tr>
<tr>
<td>Association pour les Handicapés de Malherbes</td>
<td>65.75</td>
</tr>
<tr>
<td>CEDEM</td>
<td>26.55</td>
</tr>
<tr>
<td>La Cigogne</td>
<td>76.09</td>
</tr>
<tr>
<td>Crèche Coeur Immaculé de Marie</td>
<td>54.55</td>
</tr>
<tr>
<td>Etoile du Berger</td>
<td>95.71</td>
</tr>
<tr>
<td>Foyer Père Laval</td>
<td>51.96</td>
</tr>
<tr>
<td>Foyer Monseigneur Leen</td>
<td>54.50</td>
</tr>
<tr>
<td>Heaven Children Centre (Paillote)</td>
<td>154.71</td>
</tr>
<tr>
<td>La Clairière</td>
<td>55.98</td>
</tr>
<tr>
<td>La Dauphinelle</td>
<td>154.71</td>
</tr>
<tr>
<td>La Marguerite</td>
<td>154.71</td>
</tr>
<tr>
<td>La Colombe</td>
<td>142.52</td>
</tr>
<tr>
<td>L'Oiseau du Paradis 'Shelter Cap Malheureux'</td>
<td>47.01</td>
</tr>
<tr>
<td>Shelter For Women And Children In Distress</td>
<td>47.56</td>
</tr>
<tr>
<td>SOS Village</td>
<td>34.67</td>
</tr>
</tbody>
</table>

For the month of April 2014 Vedic Social Organisation claimed to have spent Rs 845,000 on food which represents a 400% increase in spending under this item compared to other months of the year.

- ARISE used money received from CSR to pay off part of loan taken to finance the purchase of the premises at Pointe aux Sables. But oddly enough its management revealed to us that in case of power cut there is no means for a generator instead, they use candles. In our view, the best interest of the child deserves as a priority the purchase of a generator in case of power cut.

- Vedic Social Organisation draws cash cheques of rather big amount entrusted to bearer/Mrs Jeeamotee Guness, for the purchase of food rather than to the order of the supplier.

- Caregivers are paid a lesser amount than prescribed in the bidding document.
The contractual amount of Rs 393,800 monthly was paid to the service provider of Belle Rose Shelter La Marguerite for three months from April to June 2013, although only six children were referred to the shelter during that period. The contract effective as from 1 April 2013 was signed on 30 July 2013, and adjustment for the contractual amount for period April to July totalling Rs 1,080,771 was paid on 5 November 2013. The low occupancy during the first three months was not considered at the time of signature of the contract, leading to an unsubstantiated payment of around Rs 950,000.
The children who are committed to a place of safety, deserve special protection by the State. They are victims in one way or another and as a measure of last resort, should receive alternative care in a uniform and equal manner. More so, it is statutorily recognised that the State should provide a special protection for them and all decisions taken should be in their best interests. To the great dismay of the Committee, they do not receive the same care and protection, and very often are accommodated in a place of safety which does not fulfill the required criteria. The CDU and the management of shelters are far from ensuring a special protection in the best interests of the child.

After several visits to the shelters and annexed houses, and examining all the evidence of deponents as well as various reports of malpractices, numerous shortcomings have been identified.

8.1 Overcrowded shelters

Several shelters are overcrowded and accommodate beyond their capacity. For example:

(a) La Colombe, a building of 975 m$^2$, accommodates 95 children, at times 130 according to the CDU, out of which there are babies, boys under 10, teenage girls and adolescent mothers with their babies. The operation of a place of safety in such conditions is detrimental to the holistic development of the children.

(b) The residential care setting at Cap Malheureux was formerly a workshop of the Development Works Corporation but now it accommodates 40 boys in a relatively small building.

(c) La Marguerite accommodates 24 girls in a two-storeyed house. The rooms are rather small, one contains seven beds, leaving no space to walk in between but a small area on the floor for the night carer to sleep.
(d) There are other shelters which accommodate over 25 children where there are at least sufficient rooms and beds and very spacious yards.

(e) In May 2015, the Committee visited shelter ARISE managed by Sister Elizabeth Songor a small one-storeyed house then situated at Bain des Dames and which comprises of 3 small rooms for accommodating 12 children and 2 carers. There was practically no space outside for the children. The rooms were not properly ventilated and the children were hyperactive. The state of the premises was not appropriate for the development and safety of the children. The said shelter has moved to Pointe aux Sables, accommodating four children within a reasonable premises. However, there is still a significant lack of trained and professional staff for the proper psychological and emotional development of children.

8.2 Admission without committal order

In several shelters, the Committee has noticed that for a number of residents there is no committal order. On being questioned, the management explained that the CDU, often failed on admission to submit a copy of the order. One manager in a humoristic tone, stated that the committal order concerning one resident, came to the shelter, some months after the child has left. Moreover, the CDU does not provide a comprehensive record containing all relevant information in respect of the resident and his family. It is not easy for the manager and its staff to provide care to a newcomer without any information regarding his/her background. On admission the management should insist that a copy of the committal order as well as a record concerning his/her background be duly submitted.

8.3 Food and Nutrition

It is expected from the management of shelters to provide fresh and varied food to the residents. In some shelters governed by MOU, contrary to what is required, there is no experienced cook to prepare fresh food. There has been an attempt to circumvent this requirement. In early 2014, the Vedic Social Organisation which manages three shelters decided to prepare food on the premises of the Transformative Learning
Centre at Phoenix and afterwards distribute same to the three shelters. This malpractice lasted for several months until the Ministry drew their attention to the need to comply strictly with the specifications.

In other shelters, the Committee has noticed the absence of cook. At La Colombe the manager had for several months been performing the duties of cook. Obviously, she could not handle that task due to time constraints and on many occasions she had to prepare food in the morning to be served for dinner.

The Enforcement Unit should ascertain that all the obligations of the service provider in respect of food be fulfilled.

8.4 **Family Business/Major shortcomings in the procurement process**

**Findings**

In February 2008, the “In celebration Women Association” changed its name to Vedic Social Organisation. It manages three shelters namely Heaven Children Centre at Paillotte, financed by means of a capitation grant and the two others, La Dauphinelle in Curepipe and La Marguerite in Belle Rose by means of a management services contract awarded after a procurement process.

Several representations have been received, to complain against ill practices in the management of the shelters, mainly in respect of alleged unfair recruitment of the personnel and other ill practices.

(i) **Family Business**

The Committee has carried out an enquiry which has revealed the following:

(1) On 12 January 2011, the President of the Association was Mrs Jeeanmotee Guness, the secretary, her daughter Priya Purgus born Guness, the treasurer, her daughter, Gemili Guness César. Pravesh Purgus, her son-in-law signed as treasurer and Kervin Yieldy César, another son-in-law signed as auditor.
(2) The key personnel of the three shelters comprises the four daughters of Mrs Jeeanmotee Guness as follows:

(i) Heaven Children Centre (Paillotte) is managed by Mrs Jeeanmotee Guness and her daughter Ms Jemima Guness. The latter occupies the post of responsible officer of the shelter and draws a monthly salary of Rs 10,000. She is an “animatrice polyvalent” and reckons experience of 3 years’ working in shelters. Ketsia Guness, daughter of Mrs Jeeanmotee Guness, officer in charge draws a salary of Rs 10,000. She has occupied for one year the post of nurse at City Clinic and is computer literate.

(ii) Shelter La Dauphinelle is managed by Mrs Jeeanmotee Guness and her daughter Mrs Gemili César, who is the officer in charge night shift on a temporary basis.

(iii) La Marguerite shelter is managed by Mrs Jeeanmotee Guness, assisted by her daughter Mrs Priya Purgus. For pay purposes, she is designated as the centre manager and draws a salary of Rs 18,000. She has in the past worked for several commercial concerns, but there is no indication of her academic qualifications. Mr Pravesh Purgus, husband of Mrs Priya Purgus, conceded that in the past he used to perform some accountancy works against remuneration. Mr K. Y. Cesar stated that he occupied the post of assistant manager until March 2014, when he joined the administrative staff of the Transformative Learning Centre at Phoenix. According to information submitted by Vedic Social Organisation, he drew a monthly salary of Rs 30,000 up to December 2014.

Findings

It is not disputed that Vedic Social Organisation has been awarded through a due process of procurement two contracts to manage La Marguerite and La Dauphinelle. It is also a fact that these two public procurement proceedings did not attract many bidders due to the several constraints in providing appropriate trained and adequate staff to meet the special needs of the children in shelters. Queerly enough, this
undisputed scarcity of labour in that sector, has not diminished the forcefulness of Mrs Jeeanmotee Guness repeated appeal to the authorities concerned to further authorise her to operate halfway homes for young women over 18 years. With due respect to the fundamental rights of everyone for employment, this state of things should not be a justification for the president of an association to employ several office bearers who are also her close relatives, grossly unqualified to form part of the key personnel of the shelters. That most unfair exercise of recruiting mainly from the family is:

(a) in breach of the provisions of the Memorandum of Understanding binding both parties, which stress on the fact that the service provider shall ensure that any recruitment and selection of staff is done in a fair and transparent manner.

(b) in breach of para. 3.7 of the bidding document under the heading of obligation of the service provider by appointing members of the personnel, not listed by name in Appendix C (key personnel).

8.5 **Shortcomings in the procurement process of the management services contract**

**Findings**

Upon examination of the various obligations of the service provider, the Committee has found as follows:

(a) The key personnel proposed in the offer does not participate in the implementation of the contract. For example, Vedic Social Organisation in its bid for management services of La Marguerite shelter at Belle Rose in November 2012, proposed the following:

(i) Mr Deelanee Doreemeah who reckons 42 years of general experience and five years’ experience as centre manager, for the post of centre manager and Mr Faiz Nabeebux as executive officer, who reckons 13 years of experience in the proposed position.
(ii) Upon confrontation with his curriculum vitae appearing in the bidding document, Mr D. Doreemeah admitted that it is his, but denied having remitted same to Mrs Jeeanmotee Guness for the purpose of procurement and eventually taking employment at the centre. However, he conceded that he knows Mrs Jeeanmotee Guness and has intervened in her favour with the Ministry for prompt payment of her monthly fees after award of the contract. Mrs Jeeanmotee Guness admitted that the services of Mr Doreemeah were retained not to work on a permanent basis but to give assistance to the management by providing advice on nutrition.

(iii) Mr Faiz Nabeebux stated that he knows Mrs Jeeanmotee Guness and forwarded his curriculum vitae to the latter for procurement purposes. He thought that the post of executive officer was a part time one, but when Mrs Jeeanmotee Guness explained to him that it is a full-time job necessitating his presence every day at the centre, he declined the offer.

(iv) Mrs Jeeanmotee Guness concurred with his statement and added that the Ministry did not query her after award of contract about the non-fulfilment of the post of executive officer at the centre.

Be that as it may, as highlighted above there have been major shortcomings in the evaluation exercise including a complete absence of scrutiny and supervision in the execution of the award, which lead the Committee to conclude safely that the procurement process has been effected in a most unprofessional and unfair manner.

Moreover, the specifications and obligations outlined in the bidding documents have been badly drafted, leaving way to major shortcomings:

(i) There are no indications about the required minimum qualifications for the key personnel. The Bid Evaluation Committee, was not in a position to assess properly the qualification of staff proposed.
(ii) At execution level, there was no proper supervision on the obligations of the management, giving way to abuses and inconsistencies.

**Recommendations**

There is strong evidence to state that the drawing up of bid documents and verification of their genuineness are effected in an amateurish manner. The Committee is of the view that there is an urgent need for setting up a strong Enforcement Unit to ensure implementation of the obligations of the service provider. At evaluation stage, the Bid Evaluation Committee should ensure that proper qualifications are laid down and met. At implementation level, the Enforcement Unit should ascertain by several surprise inspections that the contractual obligations are being fulfilled and the proposed personnel are in post.

8.6 **Children in distress placed in Old Age Residential Homes**

**Findings**

Two orphanages, duly registered as holder of Licence for Residential Homes for old-age, namely the Gayasingh Ashram and Mauritius Muslim Orphanage of Port Louis also accommodate children in distress.

**Recommendations**

The Committee is of the view that children in distress, should as far as possible be given the opportunity to live as normal children in society. For a better follow-up of their individual needs, it is more appropriate that they should not be placed in institutions providing another type of care. It is recommended that the CDU discontinues to place children in these two institutions. But if the management of these institutions is willing to respond to the new scheme for residential care in separated premises, they should be encouraged to do so.

8.7 **Need for a comprehensive contract between the CDU and the Care Providers**

**Findings**

All shelters are governed by the do's and don'ts of the CDU. Additionally, La Colombe should comply with an MOU whereas the 4 government-owned shelters should abide
by conditions laid down in the bidding documents as well as the MOU. The present system has failed not only because of its diversity, but also the contract was not drawn up in a comprehensive manner, and non-compliance with contractual obligations was not sanctioned appropriately. The Enforcement Unit should ascertain whether the obligations of the service provider are being fulfilled and bring cases of non-execution to the attention of the Regulatory Body (referred at paragraph 9.2 under Recommendations) for appropriate action.

Moreover, there is also a need for the management of shelters to adopt an outcome-oriented approach. The service provider should report on children in respect of their achievements and the outcome of the care provided to them.

**Recommendations**

The Committee recommends the drafting up of a more detailed comprehensive contract or agreement in relation to service providers. It should contain all the obligations of the service provider laying more emphasis on the quality of care by a committed staff. It should also include requirements to carry out an independent evaluation of shelter programmes to ensure that they are having a positive impact on residents. As pointed out by Mr William Cullen, UN Consultant on Rehabilitation.

“The contract should not be limited to broad statement of care and safety. More emphasis should be made about:

- Children’s rights, which should be prominently displayed at homes and shelters.
- The quality of care to be provided to meet physical, emotional and spiritual needs. In particular, the need for a varied and healthy diet, the need for some personal space for belongings (a cupboard or wardrobe), the need for multiple personal sets of clothes and particularly underwear (currently clothes and underwear are shared).
- Children being encouraged, inspired, stimulated, nurtured and nourished. Children should be involved in decision-making process, especially with regard to food and outings.
- There should also be performance indicators developed so that service providers and the CDU can assess both the quantity and quality of services.”
8.8 **Ratio Child – Carer**

**Findings**

The Committee has observed that in several shelters the management of shelters does not employ the required number of staff. For example at:

(a) La Colombe at a certain point in time there was one carer for more than 15 teenage residents;

(b) La Cigogne there were two carers for 12 toddlers including a child with disability; and

(c) L’Association des Handicapés de Malherbes there were three carers for 15 children with severe disabilities including a baby girl with Down’s syndrome.

**Recommendations**

The enforcement officers should carry out regular inspections, sometimes at odd hours, to ensure that the applicable ratio is being complied with.

8.9 **Prohibition of the use and possession of cellular phone**

**Findings**

In some shelters, several notices affixed on the wall indicate prohibition of the use and possession of cellular phone. The management has justified this prohibition by evoking the possibility that children be contacted by their undesirable parents.

**Recommendations**

This prohibition should be removed since it infringes the rights of children to communicate and express themselves. The management should draw the attention of children from falling prey to predators of various kinds by means of calls and messages.
8.10 Convicted and/or Non-registered workers of the shelters

Findings
In the teeth of clear instructions from the CDU for employing staff having clean record, 17 workers of the shelters have in one way or another been convicted by a court of Law. The severity of sentence varies from a fine of Rs 1,000 to 5 years penal servitude. The nature of offence ranges from a simple assault to cultivation and possession of cannabis. The Committee is of the view that it would be too simplistic to prohibit all persons borne on police record from working.

Recommendations
It is for the Regulatory body, taking into consideration, the nature of the offence, the sentence and the date of previous convictions, to decide whether that person is suitable to work in a shelter. Pending implementation of the recommendation, the CDU should urgently address this issue and decide accordingly.

Findings
The management of some shelters employs part-time employees who do not insist on being registered at the National Pensions Fund. Moreover, the Committee has found that some shelters have not contributed to the NPF. The management of the shelters after having been notified of these shortcomings has informed the Committee that they are doing the needful to ensure that all their employees are duly registered with the National Pensions Scheme.

Recommendations
It should be brought to the attention of the management that they are duty-bound to cause registration of their employees and failure to do so may entail prosecution.
8.11 **Teenage mothers/siblings**

**Findings**
The Committee met three pregnant teenagers, as well as three teenagers, mothers of recently born children at La Colombe. Two of the pregnant teenagers are still attending secondary school, whereas the other one has ceased temporarily but was adamant that she would resume classes after the birth of her child. The three teenage mothers along with their babies are placed in one small room, adjacent to a living room whereby a persistent bad smell emanates from a nearby defective sewerage system. The Committee met a girl resident aged 14, at La Colombe, who claimed that her brother aged 15 is residing at shelter Arise in Pointe aux Sables and she would be happy if both of them could reside in the same shelter.

**Recommendations**

Teenage mothers and their babies should reside together in the same residential care settings, but not in La Colombe, because of the precarity of care due to its over-utilised and overcrowded status. Teenage mothers who gave birth as a result of intimate connections with their boyfriends should receive a special care leading to strengthen the love ties with the father and to sensitize them on their responsibility as parents.

As far as siblings are concerned, the CDU should do its best to accommodate them together, in their best interests. But if not possible, as a measure of last resort, a different residential setting can be envisaged. The management of both shelters, should organise frequent visits to allow them meeting each other.

8.12 **Lack of freedom for residents to practise their religion**

**Findings**

According to a Catholic priest, the management of L'Oiseau du Paradis turned down his request which reads *inter alia*
“nous avons voulu organiser un arbre de Noël et nous avons invité les enfants aux services religieux pour les fêtes et les dimanches, mais en vain; toutes nos invitations ont été refusées.”

The management explained that according to instructions received from the CDU, children should not be allowed to be in contact with people outside the shelters.

**Recommendations**

The Committee is of the view that the right of the child to practise his/her religion as recognised by the Convention on the Rights of the Child includes the right to participate in outdoor religious activities for example, attending Sunday Mass, Friday prayers at the Mosque or visits to the temple. It is undoubtedly a laudable initiative on the part of management to organise a Christmas tree, lightings and sweets for Divali or briyani and vermicelli for Eid in the premises of the shelters. But this is not sufficient. It would be a serious shortcoming on their part as responsible care provider if the management does not make noticeable efforts to allow children to participate in outdoor religious activities.

The Committee strongly feels that it would be in the best interests of the child to be allowed a little freedom when it comes to the practice of religion. Children should also socialise with responsible religious people.

8.13 **No insurance policy for Residents and Employees**

**Findings**

There are no specific instructions from the CDU, for shelters, not managed by a service contract, to subscribe to an insurance policy covering the activities of the children and the staff. However for those four shelters under management service contract, there is a specific obligation for the service provider to contract an -

“Insurance cover during working hours for any accident, personal injury or death of employees from the starting date to the end of the contract. The Ministry shall not be liable for any accident, personal injury or death of employees that may be accruing during the contract period”.

52
There are some service providers who have not complied with the said requirement. There is also no evidence from the CDU to demonstrate that it has pressed for that requirement to be fulfilled. As far as other shelters are concerned, there are a few which have contracted the said insurance policy.

**Recommendations**

It is urgent and necessary that a comprehensive insurance covering public liability of employees as well as children of all shelters, be subscribed mandatorily. The enforcement officers should ascertain that all employees and residents are duly insured.

8.14 **The Child Development Unit (CDU)**

It is the role of the State to provide special protection and assistance to children placed in alternative care. This role has been vested into the Ministry, which in turn, has set up the CDU to ensure the development and protection of children. The CDU through the implementation of policies in line with the Convention on the Rights of the Child is responsible for the placement of children. 569 children are committed in 21 places of safety known as Residential Care Institutions or Shelters.

In order to ensure accessibility and proximity service, the CDU has set up decentralised service through 6 dedicated outstations across the island, namely in Bell Village, Flacq, Bambous, Rose Belle, Goodlands and Vacoas. The Head of the CDU is assisted by 4 Coordinators, one Senior Family Welfare and Protection Officer, 24 Family Welfare and Protection Officers, one Child Welfare Officer, 6 Psychologists, one part-time Psychologist and 10 Care Workers. Recently, the unit has recruited 15 additional Family Welfare and Protection Officers and 5 Psychologists.

Whenever cases of violence against children are referred to the CDU, it provides follow-up actions and support services which could be summarised as follows:

1. A first-hand assessment of the situation is made by the Family Welfare and Protection Officer. In cases where children are deemed to be at risk, an urgent
site visit is effected to assess whether the children are in immediate danger. Cases are attended by the Family Welfare and Protection Officers and Family Support Officers who are on call on a 24-hour basis.

2. While conducting site visits and conducting interviews, officers of the Ministry make an assessment of children’s situation and may

(i) find the children to be in immediate danger and deem it necessary to remove them from their living environment;

(ii) find that the children and their family need support and refer them to appropriate services such as Psychologists, the Ministry of Social Security, National Solidarity and Reform Institutions for social aid, the Ministry of Health and Quality of Life, the Ministry of Justice and Human Rights, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research.

3. Whenever a child is assessed to be in immediate danger, an application is made for an Emergency Protection Order (EPO) to send the child to a “place of safety” which includes the shelter of the Ministry and other Residential Care Institutions for children which work in collaboration with the Ministry.

4. Follow-up through home visits or visits at school level is done with respect to children who have not been removed from their family to ensure that the situation is improving and that the children are not exposed to danger.

5. Follow-up through counselling and group therapy by both Social Workers and Psychologists are also done with children placed in institutions and with their parents and relatives to ensure that they get appropriate and adequate support in order to foster their rehabilitation and to facilitate the reintegration of the children in their family and their reinsertion into society.

After admission in the shelters, the CDU provides the following services:

(a) Basic needs;
(b) Rehabilitation;
(c) Psychological support and therapeutic activities;
(d) Arrangements for health checks and vaccinations;
(e) Ensuring that residents attend pre-primary, primary, secondary, pre-vocational or specialised schools wherever applicable;
(f) Developing IT knowledge;
(g) Encouraging indoor and outdoor sports activities;
(h) Promoting music and dance;
(i) Enhancing Creativity Programmes.

8.15 **Need for Increase in resources for the CDU**

It is impossible with such meagre human resources to provide adequate assistance and protection as highlighted above to some 6,000 cases of children in distress. Despite the goodwill of the staff, the Committee has noted several major shortcomings, which can be summarised as follows:

1. No proper assessment on early childhood
2. No case plan for each resident
3. No proper alternative care for each resident
4. No rehabilitative work either before or after deprivation of parental care
5. The specifications of the bidding documents consist of broad statements and do not include an oriented outcome-approach and an appropriate scrutiny both at the level of procurement process and execution of the management services contract.
6. No comprehensive contract or MOU containing all the obligations of the service provider laying much emphasis on the quality of care which is expected as well as the measures taken for its appropriate implementation.
7. No effective Enforcement Unit to ensure fulfilment of obligations of service providers.

The Committee is convinced that most of these shortcomings are caused to a considerable extent by an acute shortage of appropriate and trained staff. This can be remedied by a significant increase in financial and human resources. The Committee is conscious that the implementation of the Recommendations will require a substantial increase in the budget of the CDU. But in the long term, the Committee is
confident that the outcome of successful rehabilitative work should result in a significant decrease in admission to alternative care. Moreover, the introduction of a new scheme of professional foster as well as an appropriate mechanism favouring domestic and foreign adoption should bring considerable reduction in admission of children to alternative care, thus deflating the costs for residential care.
9. **Recommendations for reforms to be brought to the entire system of accommodation of all minors in residential care institutions/shelters**

9.1 **Assessment/Promotion of parental care/Reintegration – the need for continuous rehabilitative work between parents and children**

**Findings**

Despite the fact that children should be committed to a place of safety, as a matter of necessity and of last resort, it would appear that in many cases, children are placed in alternative care because -

(i) There is no proper and complete assessment carried out by a professional team due to no early identification of both vulnerable families and children. Since early childhood, there should be a collection of data, organised with the collaboration of all institutions concerned, namely CDU, Ministry of Health and Quality of Life, Ministry of Education and Human Resources, Tertiary Education and Scientific Research, Police Department as well as parents, close relatives and neighbours. As stated by Dr M. Madhewoo, “one cannot provide care without a proper assessment”.

(ii) There are no trained Family Welfare and Protection Officers who could support, empower, strengthen families and children, with a view to avoid placement to alternative care. The Family Welfare and Protection Officers, in some cases could have succeeded in keeping the child within the family or with a close relative, if prior rehabilitative work had been carried out with them.

**Recommendations**

(i) A Child Protection Register was launched by the Ministry in June 2014 containing information on vulnerable families. The scope of this register should be extended to collect relevant personal data with the collaboration of the abovementioned institutions concerning the family, the children, their relatives, family friends and neighbours.
(ii) Family Welfare and Protection Officers should be informed, sufficiently trained and equipped to undertake rehabilitative work with families and children even before complete breakdown of the family. They should follow in-service training to carry out rehabilitative work with the families and children.

(iii) During placement of the children to a place of safety, the Family Welfare and Protection Officers along with a team of professionals should continue the rehabilitative work with the ultimate aim of reintegrating the child within his/her family.

9.2 **Uniformity in providing care services – setting up of a Regulatory Body**

**Findings**

The Committee finds that the residents of the shelters are not receiving equal quality of care. Curiously enough, those shelters which are managed by a management services contract earning more fund from government do not necessarily provide better care than those benefitting from grant or capitation grant.

**Recommendations**

The Committee is of the view that a Regulatory Body should be set up to monitor and regulate the recruitment of staff, the required qualifications, management profile, the suitability of the premises, the educational needs of residents, compliance with required ratio child–carer and Health and Safety requirements. The functions of the Regulatory Body should include registration of all these residential care institutions/shelters and the issue of a licence renewable yearly for shelters similar to that presently prevailing for residential care homes as laid down in the *Residential Care Homes Act 2003* and the regulations made under it.
9.3 The Committal Order/Rights of children to be heard

Findings

It is highly desirable and consistent with the Convention on the Rights of the Child that the Magistrate should hear the parents and the children if practicable, before delivering its final determination on an application for a committal order and on subsequent reviews on the suitability of the placement.

Recommendations

(i) The committal order should be a period of not more than 2 years, subject to its renewal, if need be. It should be automatically reviewed every six months, but could be varied or discharged upon application of all interested parties at any time;

(ii) An amendment to be brought to section 10 of the Child Protection Act providing an appeal outside prescribed delay by parents upon showing good cause; and

(iii) The parents should be made aware of the issue of the committal order as well as the possibility of appeal against the said order including the right of being granted legal aid for prosecuting appeal.

9.4 Downsizing of Residential Care Institutions/Shelters

Findings

The children placed at the shelters are of different age, sex and are victims of different types of harm. Some are sexually abused, others are battered or abandoned. In accordance with developmentally appropriate practices and because of the specific needs and treatment of children, requiring categorisation, the Committee believes that small houses would be suitable. Such an environment may avoid the children from undergoing the trauma of leaving a normal house to get into a “detention centre” as
contended by the Vice-Chairperson of the Preventive Mechanism Division, National Human Rights Commission, referring to some shelters, including La Colombe.

La Colombe which was meant to be a creativity centre is managed under the aegis of the National Children’s Council. It is not disputed that the objects and functions of the said council do not include management of shelters. La Colombe is presently overcrowded, by providing shelter to 95 children instead of 60. Strangely enough, the carers are those who are better paid compared to others, but some are neither committed, trained nor qualified. The management has failed to provide the basic care to the residents.

In the same vein, the Ministry should through the press invite expressions of interest from local NGOs or other organisations and individuals to manage youth homes or maison d’accueil comprising of not more than 6 children committed to a place of safety. Interested parties will have to provide adequate accommodation, qualified trained social workers and carers, whereas the CDU will cater for psychological and medical care depending on specific needs.

**Recommendations**

1. The phasing out of institutions accommodating a large number of residents in disproportionate structural residential settings should be carried out and at the same time the Ministry should promote and encourage the setting up of several youth houses similar to those already operational at Terre de Paix and L’Étoile du Berger (Maison d’Accueil) and to some extent S.O.S village. These houses would be managed by NGOs, group of individuals or individuals duly licensed and in conformity with norms and standards set out by the Regulatory Body and the CDU.

2. Since the implementation of the above will take time, it is recommended that the needful be done for a significant drop in the number of residents of La Colombe from 95 to 50 in two years’ time and 50 to 0 in two further years’ time; for Shelter Cap Malheureux from 40 to 20 in two years’ time and 20 to 0 in two further years’ time; and for La Marguerite from 25 to 12 in two years’ time and 12 to 0 in two further years. The same pattern is applicable to other shelters.
9.5 **Adoption and Foster Care/Family based option – reduction in residential care**

**Findings**

By virtue of article 20(3) of the Convention on the Rights of the Child, foster care and adoption are alternatives which can be contemplated, in case a child is deprived of parental care. For reasons unknown to the Committee, there is no database for adoptable children be it for local or international adoption neither is there an accredited agency which would monitor procedures for adoption. A Judge of the Supreme Court pronounces the adoption order, be it for an applicant citizen or non-citizen whereas Articles 343 to 369 of the Civil Code provide for the conditions and effects of adoption *simple et plénière*. However, these articles should be read together with the provisions of the National Adoption Council Act whenever the adoption of a Mauritian child is contemplated by a non-citizen. Furthermore, according to the CDU, there are around one hundred children of unknown parents, who have not acknowledged their children. These children are adoptable as such and may be inserted in the adoption database.

On the other hand the foster care system provides for children in distress who have been removed from their biological parents to live and grow up in a substitute family. The aim of the foster care is *inter alia* to carry out rehabilitative work between the biological parents and the child leading to reintegration of the latter in the family.

The foster care system is governed by Regulations made under section 21 of the Child Protection Act. The Foster Care Advisory Committee, after ascertaining that the foster parent satisfies the numerous criteria laid down by the Ministry and has followed the training by the Psychologist of the Ministry recommends the registration of the applicant as foster parent. Under section 23(a) of the said Regulations, the Ministry may place the child in a foster home for a period of 3 months. Thereafter, the Magistrate may order the minor to stay with the family for a period of 2 years renewable up to 18 years.
An application to act as foster care parents may be made by an unmarried person, a married person individually or both parents. At present 51 children are placed in 46 foster families. 40 children placed have subsequently been adopted by their respective foster families, whereas 16 children have returned to Residential Care Institutions.

Besides this foster family care, there is also a professionalized foster care system which has not yet been introduced in Mauritius. The professional foster carers are persons not necessarily married, but who have been adequately trained and qualified, ready to provide foster care to children even those with mild disabilities. Contrary to foster family care, there is no need to carry out any matching exercise.

In Mauritius, some 50 couples have had recourse to foster family care in order to have a child at their place. Though the aim of foster care is to achieve as far as possible reintegration within the family, the difficulties met by the parents to adopt a Mauritian child, have forced them through love of children, to use the foster care system. After several years of satisfactory placement, their application for adoption of the child before the Supreme Court may be jeopardised by biological parents of utter bad faith, who refuse to grant consent to the adoption. But curiously enough, they do not either want to take back the child from their foster parents.

These foster parents have used the back door to adoption and have not acted as foster parents as they were meant to be. Until a proper mechanism for adoption is set up, the Committee is of the view that the satisfactory placement deserves statutory recognition. Furthermore, the Committee feels that a proper mechanism promoting adoption under judicial supervision and in compliance with international convention is in the best interests of the child. The CDU can have recourse to professional foster carers who are adequately trained and remunerated to care for children.

9.6 Reduction in admission in shelters because of foster care and adoption

For those shelters accommodating only babies from 0 to 5 years, being given the possibility of adoption and the professionalization of foster care, the number of children residing in shelters will be significantly reduced and finally these shelters will
be limited to 6 children or closed down unless their management is prepared to cater for elder children (6-17) in small residential settings as proposed. This proposal is consistent with the guidelines of the United Nations on the Rights of the Child on alternative care for children, which provide that children between the ages of 0 to 3 be placed within a family based option, namely foster parents and adoption excluding state residential care. Moreover, the Committee has noticed an acute failure of bonding between carers and children aged 0 – 5 resulting most probably by the fact that they are brought up in community residential care comprising of many children. At La Cigogne, all members of the Committee were taken aback when two of the residents jumped on us, clinging for several minutes with firm intention not to let go.

The Committee has proposed that children from 0-5 years be placed within a family based option. In support of that proposition, the Committee relies on paragraph 3 of article 242 of the civil code, which provides that

“Toutefois la garde des enfants de moins de cinq ans doit toujours être attribuée à la mère, sous réserve de circonstances exceptionnelles de nature à compromettre la sécurité ou la santé de ceux-ci”

The Supreme Court of Mauritius, in cases of custody has always followed this provision of the law.

**Recommendations**

(1) **Article 352 of the Civil Code** be amended by adding at the end of the article “ou lorsque ce placement d’une durée d’au moins deux ans, chez l’adoptant, a été satisfaisant d’après les autorités concernées.”

(2) The setting up of an agency or unit at the Prime Minister’s Office with a complete database on adoptable children in order to inform interested persons about the relevant procedures and to avoid child trafficking and other malpractices.
The setting up of a proper mechanism promoting local and international adoption under the control of the Prime Minister’s Office in compliance with the National Adoption Council Act and the International Convention on Adoption.

The introduction of a new scheme governing professionalised foster care and eventually the recruitment of professionalized foster carers adequately remunerated to operate family-based care for children deprived to parental care.

The setting up of Vocational and Professional Training Centres for those interested to follow a professional career path in child protection, foster care, residential care and care for children with disabilities.

9.7 Uniformity in the mode of Government financing of residential care services/the Enforcement Unit to ensure compliance with contractual obligations

Findings
At present, there are three modes of financing the 21 places of safety, namely:

(i) Fixed grant;
(ii) Capitation grant; and
(iii) Management Services Contract

The diversity of the funding yields significant discrepancies in the amount spent for the care of each child depending on the institutions. Moreover it has been noted in respect of management services contract that serious shortcomings have occurred not only during the procurement process but also at the stage of the execution of the contract where basic principles of fairness and sound utilisation of public funds have been the least to say flouted.
Recommendations

1. For the above reasons, the Committee is of the view that all shelters should be financed by capitation grant. However, it is an undisputed fact that it is more expensive to provide care to children with disabilities and special educational needs, than to young neglected children, attending the normal education setting. Therefore, the capitation grant for children with disabilities should be calculated taking into account additional expenses involved.

2. The setting up of a strong Enforcement Unit whose officers should during surprise site visits, ensure whether the expenses effected are in the best interests of the child and in compliance with obligations set in the Memorandum of Understanding or any other contracting documents.

9.8 Corporate Social Responsibility (CSR), Private Contributions and International assistance

Findings

Besides government funding, the management of some shelters benefits from other financial sources namely: CSR and private contributions. Additionally, two of them, namely CEDEM and SOS Village receive international financial assistance. The presence of these three additional financial sources, introduces a new variable to performance related to the impact of funding. If the terms private contributions and international assistance are well-known, the concept of Corporate Social Responsibility is rather new.

Corporate Social Responsibility has been propelled into the limelight in recent years because of the increasing influence and power of corporations.

CSR programme is defined as meaning a programme having as its objects the alleviation of poverty, the relief of sickness or disability, the advancement of education of vulnerable persons or the promotion of any other public objects beneficial to the Mauritian community.
Every company shall, in every year, set up a CSR Fund equivalent to 2 per cent of its chargeable income of the preceding year to:

(a) implement an approved programme under the National Empowerment Foundation; or
(b) finance an approved NGO.

Today Residential Care Institutions/Shelters are demanding support to finance various projects. Many local corporations and to a lesser extent a few international concerns are responding positively to their initiatives in a way or another. However, there are growing numbers of indices that this extra source of revenue is not being used efficiently. For example, private donations are allocated to items such as food and clothing which are already taken care by government funding whereas admittedly there is insufficient medical care due to acute shortage of finance to hire appropriate professionals.

Upon examination of accounts of service providers, the Committee has noticed that they were quite reluctant to disclose the real figures of receipts, most probably prompted by the provision of section 7(1) of the Income Tax Act which stipulates that charitable foundation or a charitable trust are considered as exempt bodies for income tax purposes. For example, the accounts of CEDEM showed an amount of Rs 21,608 as donations, but made no mention of CSR received. However, on further investigation with the National CSR Committee of the National Empowerment Foundation, it was revealed that CEDEM actually benefitted from CSR fund in 2014.

The enquiry has also revealed that shelters Cap Malheureux, La Dauphinelle, La Marguerite and Heaven Children Centre have not received any CSR funding.

It is the prerogative of Residential Care Institutions/Shelters to look for other sources of funding like private donations and CSR. Furthermore, the new Finance Act 2015 allows companies to implement their CSR Programme in accordance with their own framework. However, there is no control whether this extra funding to those institutions is being used to provide for additional services that are not covered under the government grant. It is obvious that the expenses of some shelters represent
more than 50 per cent of non-governmental funding, whereas others do not receive private funding at all causing disparity in the level of service dispensed.

Many CSR activities can be defined as public-private partnership (PPP). PPPs encompass a variety of arrangements where companies pool their resources with Governmental and Non-Governmental Organisations.

In some instances, private contributions have exceeded public funding, whereas in some institutions the private contributions are not significant at all. Private contributions and CSR are highly desirable but they should be disclosed, monitored and accounted for.

**Recommendations**

1. There should be a control mechanism that allows the Ministry to have an overall view on the use of such source of funding and whether it is properly spent. Otherwise, this source of funding might be used for administrative cost, and this may include generous salaries for family members rather than providing additional services other than those taken care by the capitation grant. Very often, expenses covering food, clothing, and educational needs are duly provided in the capitation grant. Yet in the teeth of good procurement principles, shelters would receive donations regarding the above items. This practice should cease.

2. Private donations, CSR and international assistance, if any, should be encouraged, but should be duly registered and accounted for in a transparent manner. In priority, the donations should be for the rehabilitative programme between parents - child and other expenses that are in the best interests of the child.

3. Furthermore, the donations should not be personal to the resident and all donations or CSR should be channelled through the Regulatory Body to ascertain that such source of funding is being efficiently utilised.
4. The Committee further recommends that through the public-private partnership initiative, companies be invited to contribute to the setting up of a special scheme under CSR to finance the implementation of rehabilitative work between children and parents in respect of all shelters.

9.9 **From Victims at home to Beyond Control in shelter/Do away with Beyond Control as a criminal offence**

**Findings**

It is clear that on a justice model, which seeks to place juveniles in the position of adults before the courts, there is no place for detaining juveniles on the basis of ‘uncontrollability’. At the same time, however, it is also broadly accepted that special measures are required to protect children and young people which do and should not apply to adults. The question that arises is what should be done to manage high-risk behaviour by children in residential care.

This report is not the proper forum for resolving the above question. But the issue is very real and needs to be addressed: what is to be done about children and young people who engage in what is viewed as very high-risk, but not necessarily criminal behaviours and for whom family or community-based placements are no longer available? It creates problems that are often interpreted as being the result of a punitive and out-dated direct care worker culture.

Some providers feel that they are forced to take the most difficult children and it was repeated more than once that some children were shifted from one placement to another. At this juncture, a legalistic point of view may shed some light on the term uncontrollability.

**Section 18 of the Juvenile Offenders Act** provides that where the guardian of a juvenile is unable to control the latter and desires to send him/her to a rehabilitation centre he/she may be declared beyond control by the Magistrate and committed to Rehabilitation Youth Centre (RYC). More often it is the parent of a child who applies to the Magistrate to declare his ward “Beyond Control” but here this Committee contemplates only the situation where children have been committed in a place of
safety and during placement referred to Magistrate for alleged “Beyond Control” behaviour.

According to some managers, several children behaved in a hyperactive manner causing heavy disruption of proper running of the shelter. Consequently, they have requested the CDU to apply for an order from the Magistrate declaring the child “Beyond Control”. The consequences of a successful application are as follows:

(1) The procedure leading to declare a child beyond control is instituted by the CDU. There is no evidence to suggest that prior rehabilitative work has been carried out between the management and the child which leads the Committee to conclude that the chances that the child can avoid the status of “Beyond Control” by the Magistrate are very remote.

(2) The consequences are quasi penal meaning that the placement in Rehabilitation Youth Centre (RYC) is similar to juvenile offenders duly convicted and sentenced by a court of Law for a custodial sentence. Moreover, upon application of the CDU, the child appearing for the first time before the Magistrate is sent on remand to the RYC without being given an opportunity to be heard. These children are not informed of the move of the CDU to declare them “Beyond Control”, neither of the custodial regime that the committal order may entail. But there is more, in breach of the fundamental rights of the child; they are not even afforded a right to counsel.

(3) Once declared “Beyond Control” and detained in Rehabilitation Youth Centre, the detainee is deprived of another fundamental right of the child, namely the right to education. It is apposite at this juncture, to refer to the testimony of one former resident of S.O.S village who attended primary and secondary education in the mainstream in a very satisfactory manner. According to her, following a dispute with the management about her choice of college, she was brought before the Magistrate and was declared “Beyond Control”. This version is denied by the management who contended that she attempted to escape.
Initially victim of neglect she was placed in a shelter afterwards found “Beyond Control” and committed to RYC, depriving her of the fundamental right to education.

**Recommendations**

This most awkward situation which infringes the fundamental rights of the child warrants recommending a prompt intervention of the authorities concerned to amend Section 18 of the Juvenile Offenders Act in order to do away with the concept of “Beyond Control” as a criminal offence. The children labelled “beyond control” need a specific care and treatment which should be provided to them under specialised residential care, safeguarding at the same time their right to education and obviously not the detention at the RYC as convicted juvenile offenders.

9.10 **Training for carers and caregivers**

**Findings**

It is not disputed that there is an acute need of trained and qualified persons, at all levels of alternative care. However, without underestimating the role played by workers without the CPE who have received on-the-job training, it would be highly desirable that workers who have read up to school certificate be trained.

**Recommendations**

1. The setting up of a training centre for alternative care, *inter alia* for carers, caregivers, social workers, foster parents who have at least read up to form III.

2. The organisation of a special scheme for on-the-job training for those care workers who have read up to at least the sixth standard of the primary education.

9.11 **Designation of a trust person for each resident**

**Findings**

The guidelines of the United Nations Convention on the Rights of the Child for children on alternative care provide for the designation of a trust person. The Committee
concurs with this proposition because the residents need to confide to a friend or a close relative since they have no confidence in the staff and other professionals working in the shelter.

Recommendations

The Permanent Secretary of the Ministry should designate a trust person for the resident. The resident could express himself/herself on various aspects of care including but not limited to complaints as well as progress of the rehabilitative work with his/her parents.

9.12 Direct Placement to Shelter/Delegation of powers from Permanent Secretary to Managers of Shelters

Direct Placement to Shelter

Findings

By virtue of the committal order at emergency and interim stage, the children are placed in a temporary manner at La Colombe or L’Oiseau du Paradis (Cap Malheureux), before final placement. This temporary placement may last for months if not years. In the view of the Committee, it is in the best interests of the children upon removal from home to be placed directly to a residential care institution on a permanent basis.

Recommendations

This direct placement will avoid the child the trauma of being removed from a normal house setting and placed in a residential care setting. The Committee recommends accordingly.
9.13 **Delegation of powers from Permanent Secretary to Managers of Shelters**

**Findings**

Most probably for safety reasons, in accordance with current practice, all outdoor activities of children in shelters should be duly authorised by the CDU. During the enquiry, the Committee has come across various correspondences which the least to say, reflects an over protective attitude of the CDU and certainly not in the best interests of the child, for example "You are authorised to bring the children to Choisy and Pereybère, but it is understood that swimming is not allowed".

Sometimes, because of the belated authorisation from the CDU, children could not take part in outdoor activities involving event people during their short and unforeseen visits in Mauritius.

**Recommendations**

The CDU should delegate its powers of supervising outdoor activities to managers who should ensure that the children participate in outdoor activities in safe conditions.

9.14 **Reviews on suitability and duration of the alternative care**

**Findings**

It is clear that children upon admission do not receive the appropriate care mainly due to an acute lack of resources and trained as well as qualified staff. At the end of the day, the report sent to the Magistrate upon renewal of committal order or appeal does not reveal a comprehensive and fully detailed data concerning his actual state of health and the result yielded by rehabilitative work with the family. The report appears also incomplete because the child's views concerning his placement and care are not sought. The views of the parents are not gathered being given that they are not traced out efficiently.
**Recommendations**

(a) **Review by the Professional care team**

The CDU should with the assistance of its trained staff, as well as other medical officers, review every 3 months the case of a resident after admission to shelters. All the stakeholders including the child and the parents should participate in the review. In case, there is a need for variation or discharge of the committal order, the matter should be brought immediately to the attention of the Magistrate.

(b) **Review before the Magistrate**

**Findings**

Irrespective of the outcome of reviews made by the professional care team, the committal order should in a compulsory manner be brought before the Magistrate for review every six months where all stakeholders including the child and the parents, will have an opportunity to be heard about the suitability and appropriateness of the care provided to the child.

**Recommendations**

A compulsory review on the suitability of the case by the professional care team every 3 months and a compulsory review of the committal order before the Magistrate every 6 months with the participation of all stakeholders specially the child and the parents.

9.15 **Children with disabilities**

**Findings**

The management of two shelters accommodating children with disabilities namely CEDEM and L’Association des Handicapés de Malherbes are providing the necessary care to children with disabilities, despite an acute need of appropriate trained staff and financial resources to improve the quality of care. These children are born with disabilities or developmental delays. It is an undeniable fact that rearing practices of children with disabilities is very different from normal children. It is more difficult to cope with children with such special needs. The personnel who work with these
children should be properly trained to cater for their needs. Such carers do not require only training but the willingness to work with such children. As a matter of fact, any carer working with children in shelters should have appropriate knowledge, skills and attitudes to provide quality service and care to residents.

**Recommendations**

The setting up of Vocational and Professional Training Centres recommended under the heading “Adoption and Foster Care/Family based option – reduction in residential care” to include also those involved in care for children with disabilities.

**9.16 Mental health of children in distress**

**Findings**

Mental health problems affect about one out of ten children worldwide. They are often a direct response to what is happening in their lives. The emotional well-being of children is as important as their physical health. Good mental health allows children to develop resilience to cope with life and grow into healthy adults. Children need to eat balanced meal, exercise, freedom to play, to be part of a loving and caring family; education and they also need to take part in activities in the community. They also need to feel loved, trusted, understood, valued and safe.

The shift from Home to Shelter often acts as a trigger for the occurrence of traumatic events which eventually lead to mental health problems. Children with mental health problems should talk about it to people they trust. The representative of National Preventive Mechanism Division of the National Human Rights Commission reported that children in shelters do not trust the psychologist as there is no confidentiality. Indeed, on that score, a resident of La Colombe complained that the psychologist disclosed privileged information to the officer-in-charge who together made fun of her.

Usually it is easier to work out with the help of the family. But for children in shelters it requires someone who is trained to help them explore their feelings and behaviour.
This can be done through talking therapy, psychological therapy or counselling. It is to be noted, that medication for mental health problems has focused on adults, according to research, rather than children. There have been many referrals to the Brown Sequard Hospital from shelters. However, there is a lot of evidence internationally that talking therapies can be effective for children and young people. As contended by Mrs S. Bundhoo, Senior Psychologist of the Ministry, the environmental condition prevailing at our shelters does not favour progress towards adaptive behaviour for these children. Furthermore, she referred to D. Zeigler, a renowned psychiatrist, who, in his paper on the appropriate and effective use of psychiatric Residential Treatment Services, laid much emphasis on the need of psychiatry residential treatment, “as an important and essential component of the mental health system of care.” According to him “children with the highest acuity of psychiatry often require a complex array of integrated services in a single setting”.

Moreover, the Committee interviewed some caregivers who expressed concerns about the nature of interaction between themselves and mentally-ill young people in their care. For example, at La Colombe, staff expressed concerns about identified numerous shortcomings in their capacity to deal with an increasingly large proportion of children and young people suffering from various forms of mental illness, intellectual incapacity and high-risk medications.

**Recommendations**

1. The Committee agrees with the suggestions made by Mrs P. Essoo of the National CSR Committee of the National Empowerment Foundation, and Mr S. Kistnasamy, Assistant Superintendent of the Rehabilitation Youth Centre to the effect that “Psychologist should be duly trained and knowledgeable.” It is suggested that for future employment due to the complexity of behavioural care of children, Psychologist should reckon at least two years’ experience or practice.
2. Additionally, the management of CEDEM and L'Association des Handicapés de Malherbes contend that the presence of children facing acute psychiatric problem, may prevent the rehabilitative work of other children in the shelters. The Committee recommends that children with acute psychiatric problem should be placed in a specialised unit, under the aegis of the Ministry of Health and Quality of Life.

9.17 **After 18 years/Is half-way home up to 24 years justified?**

**Findings**

The terms of the Fact Finding Committee do not allow us to make proposals for residents after attaining 18 years. The place of safety caters for children up to 18 years. However during that period of placement, there should be constant rehabilitative work for the child to reintegrate the family. It is upon failure of rehabilitative work that the child would question himself “where to go”. The Committee is convinced that upon attaining 18, young people do not know where to go. But this depends extensively on him/her.

The Committee is of the view that:

1. the best place a child can be is at home with his family or relatives, but, in a place where he/she feels safe and secured, a place he/she can call home.

2. by keeping the children till 24 years as proposed by some managers will not encourage them to stand on their own feet and survive. For those children who have nowhere to go, the half-way home projects can start preparing children vocationally, depending on their academic performance when they turn 16.

3. the Ministry of Housing and Lands, the Ministry of Social Security, National Solidarity and Reform Institutions, the Ministry of Social Integration and Economic Empowerment, and the National Housing Development Company are institutions which can help in one way or another the young adults to acquire a living and to meet other priority needs.

To conclude, children need to learn to become autonomous and independent. We cannot have them rely on any project of half-way home to help them become what they can be. A steady and gradual help from the time they join the shelter will be
more beneficial than keeping the children in a place of safety till 24 years. The management of half-way home projects can do follow-up of children once they leave the shelters.

**Recommendations**

For reasons highlighted above, the Committee recommends that in principle they should be prepared as from 16 to integrate society. But there might be cases, for example, for educational purposes and in other exceptional circumstances that their further stay in Residential Care Institutions/Shelters is justified. But stay in half-way home should not exceed two to three years
SUMMARY OF RECOMMENDATIONS IN THE SHORTCOMINGS IDENTIFIED AND PROPOSALS FOR REFORMS

On 17 April 2015, Government agreed to the setting up of a Fact Finding Committee chaired by Mr D. Vellien, Chairperson of the ICT Appeal Tribunal, assisted by Mr C. Grenade, Accountant and Ms S. Rajiah, Psychologist. Mrs J. Jaunbocus, Deputy Permanent Secretary was designated to act as Secretary of the Committee. The mandate of the Committee was to enquire into the management of the Residential Care Institutions/Shelters, to make recommendations for shortcomings identified and to propose reforms for the entire system of accommodating minors in Residential Care Institutions/Shelters in line with the Convention on the Rights of the Child.

On 15 May 2015, a press communiqué was issued in three dailies and two weeklies to inform the public at large of the setting up of the Committee and to invite interested persons wishing to depone to register themselves with the Secretariat. The Committee held more than 100 sessions including visits to the 21 shelters and their annexed houses where the residents and the workers were interviewed. It heard some 70 deponents among others, managers of shelters and several officers of the Ministry.

1. SUMMARY OF RECOMMENDATIONS FOR SHORTCOMINGS IDENTIFIED

1.1 Overcrowded shelters

(See Recommendations in proposed Reforms)

1.2 Admission without committal order

On admission, the management should insist that a copy of the committal order of the child as well as a record concerning his/her background be duly submitted.
1.3 **Food and Nutrition**

The Enforcement Unit of the Ministry should ascertain that all obligations of the service provider regarding food be executed.

1.4 **Family Business/Major shortcomings in the procurement process**

(a) The drawing up of bidding documents and the verification of documents produced by bidders have been effected in an amateurish manner;

(b) The Bid Evaluation Committee should ensure that qualifications are laid down and met at evaluation stage; and

(c) At implementation level, the Enforcement Unit should ensure that contractual obligations are executed and the proposed personnel are in post.

1.5 **Children in Distress placed in Old Age Residential Homes**

It is recommended that the CDU discontinues to place children committed to a place of safety in Residential Home for old age, because the latter provides another type of care.

1.6 **Need for a comprehensive contract between the CDU and the care providers**

The contract should contain all the obligations of the service provider laying more emphasis on the quality of care by a committed staff. It should also include requirements to carry out an independent evaluation of shelter programmes to ensure that they are having a positive impact on residents.
1.7 **Ratio Child-Carer**

The enforcement officers should carry out regular inspections, sometimes at odd hours, to ensure that the applicable ratio is being complied with.

1.8 **Prohibition of the use and possession of cellular phones**

The prohibition should be removed as it infringes the rights of children to communicate and express themselves.

1.9 **Convicted and/or Non registered workers of the shelters**

It is for the CDU at present and the Regulatory Body in the future to decide upon suitability of workers having previous convictions who wish to work in the shelters.

1.10 **Teenage Mothers/siblings**

As far as possible the teenage mothers and their babies, as well as siblings should stay together in a residential care setting.

1.11 **Lack of freedom for residents to practise their religion**

Children should be allowed to participate in outdoor religious activities. They should socialise with responsible religious people.

1.12 **No insurance policy for Residents and Employees**

All shelters should subscribe mandatorily to a comprehensive insurance policy covering public liability for children and employees of the shelters.
1.13 **Need for increase in resources for the CDU**

The CDU needs a significant increase in resources to be able to provide adequate assistance, care and protection to children in distress.

2. **SUMMARY OF RECOMMENDATIONS FOR REFORMS**

2.1 **Assessment/Promotion of parental care/Reintegration – the need for continuous rehabilitative work between parents and children**

**Recommendations**

(a) A Child Protection Register was launched by the Ministry in June 2014 containing relevant information on vulnerable families. The scope of this register should be extended to collect personal data with the collaboration of relevant institutions concerning the family, children, their relatives, family friends and neighbours.

(b) Family Welfare and Protection Officers should be informed, sufficiently trained and equipped to undertake rehabilitative work with families and children even before complete breakdown of the family. They should follow in-service training to carry out rehabilitative work with the families and children.

(c) During placement of the children to a place of safety, the Family Welfare and Protection Officers along with a team of professionals should continue the rehabilitative work with the ultimate aim to reach reintegration of the child within his/her family.

2.2 **Uniformity in providing care services – setting up of a Regulatory Body**

**Recommendations**

A Regulatory Body should be set up to monitor and regulate the recruitment of staff, the required qualifications, management profile, the suitability of the premises, the
educational needs of residents, compliance with required ratio child-carer and Health and Safety requirements. The functions of the Regulatory Body should include registration of all these residential care shelters and the issue of a licence renewable yearly similar to that presently prevailing for residential care homes as laid down in the Residential Care Homes Act 2003 and the regulations made under it.

2.3 The Committal Order/Rights of children to be heard

Recommendations

(a) The committal order should be for a period of not more than 2 years, subject to its renewal, if need be. It should be automatically reviewed every six months, but could be varied or discharged upon application of all interested parties at any time.

(b) An amendment to be brought to section 10 of the Child Protection Act providing an appeal outside prescribed delay by parents upon showing good cause.

(c) The parents should be made aware of the issue of the committal order as well as the possibility of appeal against the said order including the right of being granted legal aid for prosecuting appeal.

2.4 Downsizing of Residential Care Institutions/Shelters

Recommendations

(a) The phasing out of institutions accommodating a large number of residents in disproportionate structural residential settings should be carried out and at the same time the Ministry should promote and encourage the setting up of several youth houses similar to those already operational at Terre de Paix and L'Etoile du Berger (Maison d'Accueil) and to some extent S.O.S village. These houses would be managed by NGOs, group of individuals or individuals duly licensed
and in conformity with norms and standards set out by the Regulatory Body and the CDU.

(b) Since the implementation of the above will take time it is recommended that the needful be done for a significant drop in the number of residents of La Colombe from 95 to 50 in two years’ time and 50 to 0 in two further years’ time; for Shelter Cap Malheureux from 40 to 20 in two years’ time and 20 to 0 in two further years’ time; and for La Marguerite from 25 to 12 in two years’ time and 12 to 0 in two further years. The same pattern is applicable to other shelters.

2.5 **Adoption and Foster Care/Family based option – reduction in residential care**

**Recommendations**

(a) **Article 352 of the Civil Code** be amended by adding at the end of the article “*ou lorsque ce placement d’une durée d’au moins deux ans, chez l’adoptant, a été satisfaisant d’après les autorités concernées.*”

(b) The setting up of an agency or unit at the Prime Minister’s Office with a complete database on adoptable children in order to inform interested persons about the relevant procedures and to avoid child trafficking and other malpractices.

(c) The setting up of a proper mechanism promoting local and international adoption under the control of the Prime Minister’s Office in compliance with the National Adoption Council Act and the International Convention on Adoption.

(d) The introduction of a new scheme governing professionalized foster care and eventually the recruitment of professionalized foster carers adequately remunerated to operate family based care to children deprived of parental care.
(e) The setting up of Vocational and Professional Training Centres for those interested to follow a professional career path in child protection, foster care, residential care and care for children with disabilities.

2.6 Uniformity in the mode of Government financing of residential care services/the Enforcement Unit to ensure compliance with contractual obligations

Recommendations

(a) All shelters should be financed by capitation grant. However, it is an undisputed fact that it is more expensive to provide care to children with disabilities and special educational needs, than to young neglected children, attending the normal education setting. Therefore, the capitation grant for children with disabilities should be calculated taking into account additional expenses involved.

(b) The setting up of a strong Enforcement Unit whose officers should during surprise site visits, ensure whether the expenses effected are in the best interests of the child and in compliance with obligations set in the Memorandum of Understanding or any other contracting documents.

2.7 Corporate Social Responsibility (CSR), Private Contributions and International assistance

Recommendations

(a) There should be a control mechanism that allows the Ministry to have an overall view on the use of private funding and whether it is properly spent. Otherwise this source of funding might be used for administrative cost, and this may include generous salaries for family members rather than providing additional services other than those taken care by the capitation grant. Very often expenses covering food, clothing, and educational needs are duly provided in the capitation
grant. Yet in the teeth of good procurement principles, shelters would receive donations regarding the above items. This practice should cease.

(b) Private donations, CSR and international assistance, if any, should be encouraged, but should be duly registered and accounted for in a transparent manner. In priority, the donations should be for the rehabilitative programme between the parents and the child and/or other expenses that are in the best interests of the child.

(c) Furthermore, the donations should not be personal to the resident and all donations or CSR should be channelled through the “Regulatory Body” to ascertain that such source of funding is being efficiently utilised.

(d) Through the public-private partnership initiative, companies should be invited to contribute to the setting up of a special scheme under CSR to finance the implementation of rehabilitative work between children and parents in respect of all shelters.

2.8 From Victims at home to Beyond Control in shelter/Do away with Beyond Control as a criminal offence

Recommendations

This most awkward situation which infringes the fundamental rights of children warrants recommending a prompt intervention of all authorities concerned to amend Section 18 of the Juvenile Offenders Act in order to do away with the concept of “Beyond Control” as a criminal offence. The children labelled “Beyond Control” need a specific care and treatment which should be provided to them under specialised residential care safeguarding at the same time their right to education and obviously not the detention at the RYC as convicted juvenile offenders.
2.9 **Training for carers and caregivers**

**Recommendations**

(a) The setting up of a training centre for alternative care, *inter alia* for carers, caregivers, social workers and foster parents who have at least read up to form III.

(b) The organisation of a special scheme for on-the-job training for those care workers who have read up to at least the sixth standard of the primary education.

2.10 **Designation of a trust person for each resident**

**Recommendations**

The Permanent Secretary of the Ministry should designate a trust person for the resident. The resident could express himself or herself on various aspects of care including but not limited to complaints as well as progress of the rehabilitative work with his/her parents.

2.11 **Direct Placement to Shelter/Delegation of powers from Permanent Secretary to Managers of Shelters**

**Recommendations**

Direct placement will avoid the child the trauma of being removed from a normal house setting and placed in a residential care setting.
2.12 **Delegation of powers from Permanent Secretary to Managers of Shelters**

**Recommendations**

The CDU should delegate its powers of supervising outdoor activities to managers who should ensure that the children participate in outdoor activities in safe conditions.

2.13 **Reviews on suitability and duration of the alternative care**

**Recommendations**

**Review by the Professional care team**

The CDU should with the assistance of its trained staff, as well as other medical officers, review every 3 months the case of a resident after admission to shelters. All the stakeholders including the child and the parents, should participate in the review. In case, there is a need for variation or discharge of the committal order, the matter should be brought immediately to the attention of the Magistrate.

2.14 **Review before the Magistrate**

**Recommendations**

A compulsory review on the suitability of the care by the professional care team every 3 months and a compulsory review of the committal order before the Magistrate every 6 months with the participation of all stakeholders specially the child and the parents.
2.15 **Children with disabilities**

**Recommendations**

The setting up of Vocational and Professional Training Centres for those interested to follow a professional career path in care for children with disabilities.

2.16 **Mental health of children in distress**

**Recommendations**

(a) It is suggested that for future employment due to the complexity of behavioural care of children, Psychologist should have at least two years’ experience or practice.

(b) Children with acute psychiatric problems should be placed in a specialised unit, under the aegis of the Ministry of Health and Quality of Life.

2.17 **After 18 years/Is half-way home up to 24 years justified?**

**Recommendations**

Adolescents should be prepared as from 16 to integrate society. But there might be cases, for example for educational purposes and other exceptional circumstances that their further stay in Residential Care Institutions/Shelters is justified. Stay in half-way homes should not exceed two to three years.
ACKNOWLEDGEMENTS

We wish to express our thanks and appreciation to Mrs J. Jaunbocus, Secretary to the Committee for her commitment and dedication in the conduct of the enquiry. Our thanks and appreciation go also to the following secretarial staff for their assistance and support:

(a) Mrs Lekhrani Jankee, Word Processing Operator, acting as Shorthand Writer to the Fact Finding Committee; and

(b) Mrs Tanuja Ramkurrun, Word Processing Operator, Ag. Confidential Secretary to the Chairperson.

Mr C. GRENADE Mr H.D. VELLEVEN Ms S. RAJAH
Member Chairperson Member