



End Violence
Against Children



End Corporal
Punishment

Corporal punishment of children in Mauritius

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Also available online at

www.endcorporalpunishment.org

Child population 270,000 (UNICEF, 2020)

Summary of necessary legal reform to achieve full prohibition

Law reform has been achieved. Corporal punishment is prohibited in all settings, including in the home.

Current legality of corporal punishment

Home

Corporal punishment is prohibited in the home under section 14 of the Children's Act 2020 . In January 2022, the National Assembly passed the Children's Bill 2020, to explicitly prohibit corporal punishment of children in all settings and repeal both the Child Protection Act 1994 and the Juvenile Offenders Act 1935.

Section 14 of the Children's Act 2020 states: "(1) No person shall inflict corporal or humiliating punishment on a child as a measure to correct or discipline the child.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees and to imprisonment for a term not exceeding 5years."

Corporal punishment or humiliating punishment is defined as: "any form of punishment which causes pain or suffering to a child through, but not limited to, the use of force or use of substances." (Section 14 (3)).

Prior to this reform, there was no explicit prohibition of all corporal punishment in childrearing. The English common law defence of "reasonable chastisement" may have been applicable. Mauritius stated its intention to prohibit corporal punishment during the Universal Periodic Review of Mauritius in 2013. In 2015, the Government confirmed that prohibition is included in the draft Children's Bill and in 2019 it supported several UPR recommendations to prohibit all corporal punishment of children.

Alternative care settings

Corporal punishment is unlawful in all alternative care settings under section 14 of the Children's Act 2020 which provides that "no person shall inflict corporal or humiliating punishment on a child as a measure to correct or discipline the child." (see under "Home").

Day care

Corporal punishment is unlawful under section 14 of the Children's Act 2020. (see under "Home").

Schools

Corporal punishment is unlawful in all schools under section 14 of the Children's Act 2020 which provides that "no person shall inflict corporal or humiliating punishment on a child as a measure to correct or discipline the child." (see under "Home"). Corporal punishment is also prohibited in schools in article 13(4) of the Education Regulations 1957. The Ministry of Education and Human Resources has issued a circular to all schools stating that perpetrators of corporal punishment are liable to legal action under the Child Protection Act.¹

Penal institutions

Corporal punishment is unlawful in penal institutions under section 14 of the Children's Act 2020. (see under "Home").

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. Section 14 of the Children's Act 2020 provides that "no person shall inflict corporal or humiliating punishment on a child as a measure to correct or discipline the child." There is no provision for judicial corporal punishment in the Criminal Code 1838.

¹ 28 October 2013, CRC/C/MUS/3-5, Third-fifth state party report, para. 41

Universal Periodic Review of Mauritius' human rights record

Mauritius was examined in the first cycle of the Universal Periodic Review in 2009 (session 4). No recommendations were made specifically concerning corporal punishment of children. However, the following recommendations were made and were accepted by the Government:²

“Review its domestic legislation with a view to aligning it with the provisions of the human rights instruments that it has ratified (South Africa);

“Increase its efforts in ensuring full compliance of its domestic legislation with the Convention on the Rights of the Child, including by introducing a legal minimum age for criminal accountability (Italy) in line with international standards (Germany); Enact a Children’s Act as well as consolidating national legislation which is fully in line with the international obligations it has undertaken (Indonesia);

“Implement the recommendations of the Committee on the Rights of the Child (South Africa);

“Make all possible efforts to eradicate all forms of violence, all form of abuse against children and eliminate completely police brutality (Mexico)”

Examination in the second cycle took place in 2013 (session 17). During the review, the Government stated that it had “taken the decision to include corporal punishment as an offense in the Children’s Bill in order to bring the laws even more in line with the Convention on the Rights of the Child”.³ The following recommendation was made:⁴

“Adopt legislation that explicitly prohibits corporal punishment, and continue awareness raising campaigns on the negative effects of corporal punishment (Uruguay)”

During the dialogue, the Government did not clearly accept or reject the recommendation but confirmed that corporal punishment is prohibited in schools and that “the Children’s Bill, which is currently under preparation, proposes to specifically prohibit corporal punishment in order to be in line with the international norms set out in the Convention on the Rights of the Children”.⁵ The Government later formally accepted the recommendation in the state’s mid-term report.⁶

Third cycle examination took place in 2018 (session 31). The following recommendations were made:⁷

“Adopt as soon as possible the consolidated Children Bill, addressing key issues such as children's access to justice and the prohibition of corporal punishment in all spheres of society, promoting the adoption of non-violent disciplinary measures (Uruguay)”

“Adopt the consolidated Children’s Bill, including a prohibition of all forms of corporal punishment of children in all settings (Germany)”

“Consider taking further steps to finalize the Children’s Bill which will, among others, abolish corporal punishment in all settings (Namibia)”

“Continue to strengthen efforts to combat child abuse in all its forms, by adopting and implementing the Children’s Bill with particular attention to issues such as corporal punishment, early and forced marriage, trafficking, sexual exploitation and forced prostitution (Netherlands)”

“Intensify efforts at formulating a comprehensive strategy for preventing and combating child abuse, including prohibition of corporal punishment in all settings (Ukraine)”

The Government later supported the recommendations.⁸

² 3 March 2009, A/HRC/11/28, Report of the working group, paras. 27(2), 27(8), 27(12) and 27(27)

³ 26 December 2013, A/HRC/25/8, Report of the working group, para. 126

⁴ 26 December 2013, A/HRC/25/8, Report of the working group, para. 129(29)

⁵ 14 March 2014, A/HRC/25/8/Add.1, Report of the working group: Addendum, para. 32

⁶ 2016, Mauritius’ national mid-term report

⁷ 27 December 2018, A/HRC/40/9, Report of the Working Group, paras. 115(133), 115(135), 115(138), 115(156) and 115(162)

⁸ 15 February 2019, A/HRC/40/9/Add.1 Advance version, Report of the Working Group: Addendum

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(7 February 2023, CRC/C/MUS/CO/6-7, Advance Unedited Version, Concluding observations on sixth-seventh report, para. 21)

“While noting with appreciation the explicit prohibition of corporal punishment in all settings in the Children’s Act 2020, the Committee recalls its general comment No. 8 (2006) on corporal punishment and recommends that the State party:

- a) Strengthen legislative implementation by enhancing awareness-raising campaigns and parenting education programmes, including for professionals working with and for children, to promote attitudinal change within the family and the community, with a view to eradicating the practice of corporal punishment;
- b) Establish protocols and procedures to take action when corporal punishment takes place, including the provision of child-friendly complaint mechanisms, particularly in schools and alternative care facilities, ensuring safe and confidential reporting as well as duly sanctioning perpetrators.”

Committee on the Rights of the Child

(27 February 2015, CRC/C/MUS/CO/3-5, Concluding observations on third-fifth report, paras. 37, 38 and 44)

“The Committee is concerned that corporal punishment is applied in general as part of the school culture, even though it is prohibited by the Education Regulations of 1957, and that corporal punishment is not explicitly prohibited by law in all settings, including the home and alternative care settings, as well as the penal system.

“The Committee urges the State party to ensure that its legislation, including a children’s act, explicitly prohibits corporal punishment in all settings. The Committee also urges the State party to promote positive, non-violent and participatory forms of child-rearing and discipline. The State party is further encouraged to establish a clear reporting system for incidents of corporal punishment, notably in schools.

“Recalling the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty or conditions directly attributable to it should not be the sole justification for removing a child from parental care. The Committee recommends that the State party:

- a) establish adequate support services for parents, as well as adopting and implementing awareness-raising and training programmes on parenting skills, including on alternatives to corporal punishment...”

Committee on the Rights of the Child

(17 March 2006, CRC/C/MUS/CO/2, Concluding observations on second report, paras. 37 and 38)

“While noting that corporal punishment is prohibited in schools through the Education Regulations of 1957, the Committee remains concerned that corporal punishment is not explicitly forbidden by law in the family and in all settings, including in alternative care settings.

“The Committee reiterates its previous concluding observations (CRC/C/15/Add.64, para. 31) and urges the State party to prohibit through legislation and other measures corporal punishment of children in the family, in schools, in penal institutions and in alternative care settings. The Committee further recommends that the State party conduct awareness-raising campaigns among adults and children, the promotion of non-violent, positive, participatory methods of child-rearing and education.”

Committee on the Rights of the Child

(30 October 1996, CRC/C/15/Add.64, Concluding observations on initial report, para. 31)

“In the light of articles 19, 34 and 35 of the Convention, the Committee encourages the State party to take all appropriate measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children, including victims of sexual tourism....”

Committee Against Torture

(15 June 2011, CAT/C/MUS/CO/3, Concluding observations on third report, para. 17)

“While taking note of the information supplied by the State party, according to which section 13 of the Child Protection Act makes an offence to expose any child to harm, the Committee is concerned that corporal punishment is not fully prohibited in the legislation of the State party, including in penal institutions and in alternative care settings ... (art. 16).

The State party should adopt legislation to prohibit corporal punishment, in particular in social institutions and in alternative care settings. To that end, the State party should incorporate this issue in its Children’s Bill under preparation. The State party should also pursue awareness-campaigns on the negative effects of corporal punishment. Finally, it should strengthen its efforts to combat child abuse, including by investigating, prosecuting and punishing those responsible. The State party should provide the Committee with statistical data regarding cases of child abuse, the investigations, prosecutions, sentences imposed and redress or rehabilitation offered to victims.”

Human Rights Committee

(9 November 2017, CCPR/C/MUS/CO/5, Advance unedited version, Concluding observations on fifth report, paras. 23 and 24)

“The Committee is concerned that corporal punishment has not yet been explicitly prohibited at home, in day-care and alternative care settings as well as in penal institutions (arts. 7, 24).

“The State party should prohibit corporal punishment in all settings.”

Committee on the Elimination of Discrimination Against Women

(9 November 2018, CEDAW/C/MUS/CO/8 Advance unedited version, Concluding observations on eighth report, paras. 17 and 18)

“...The Committee, however, remains concerned at:

(b) The gaps in national legislation on some forms of gender-based violence, including the lack of an explicit prohibition of marital rape (even though marital rape can be prosecuted under section 249 of the Criminal Code and under section 13 (2) of the Protection from Domestic Violence Act) and the limited scope of section 13 (4) of the Child Protection Act of 1 April 1995 (Act No. 30 of 1994) that prohibits corporal punishment only in schools;

“The Committee recalls its General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

(b) Amend or adopt legislation to explicitly prohibit marital rape and corporal punishment of children in all settings”

Committee on Economic, Social and Cultural Rights

(8 June 2010, E/C.12/MUS/CO/4, Concluding observations on second to fourth report, para. 23)

“The Committee is concerned at the persistent problem with cases of child abuse and neglect in the State party (art. 10).

The Committee recommends that the State party take the necessary measures to combat child abuse and neglect, including explicitly prohibiting corporal punishment at home and in alternative care settings and as a disciplinary measure in the penal system.”

Prevalence/attitudinal research in the last ten years

None identified.

[End Corporal Punishment](#) is a critical initiative of the [Global Partnership to End Violence Against Children](#). Previously known as The Global Initiative to End All Corporal Punishment of Children, we act as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We track global progress, support and hold governments to account, partner with organisations at all levels, and engage with human rights treaty body systems.