

Debate No. 6 of 12 April, 2005

The Clerk: Certificate of urgency in respect of the Rodrigues Children's Council Bill - (Commissioner Arlette Perrine-Bégué).

The Clerk: Bills

Mr. Chairperson: Before we move to the item "Bills", I have to inform the members that the Chief Commissioner has informed me that he will have to make a statement to-day. This information reached my office when the notice of the agenda had already been circulated to all the members. Of course permission is granted to him to make the statement. Thank you.

The Chief Commissioner: Mr. Chairperson Sir, with your permission I'd like to inform the Assembly of the effects of intense tropical cyclone Juliette which was in the vicinity of Rodrigues from 9th to 10th April, 2005. As you are aware a cyclone Warning Class I was issued by the meteorological services at ten past ten hours (10.10 hrs) on Saturday 9 April; a cyclone warning class II was issued at ten past sixteen hours (10.16 hrs) on the same day and a cyclone warning class III was issued at ten past four hours (10.04 hrs) on Sunday 10 April. All warnings were removed at nineteen hours (19.00 hrs) on Sunday 10 April.

Mr. Chairperson Sir, the Rodrigues Cyclone Committee met on Saturday 9 April at eleven hours (11.00 hrs) to review all precautions and after the meeting some members of the committee intervened on the radio to advise the population of the measures to be taken to mitigate risks and disasters.

Mr. Chairperson Sir, during the cyclone I was in constant contact with the Honourable Prime Minister to keep him informed of the situation and with the Director of the Meteorological Services who advised us on the progress of the cyclone. Cyclone Juliette passed at its closest distance of 90 Kms to the South East of Rodrigues at about sixteen hours (16.00 hrs) on Sunday and the strongest gusts recorded at Citronelle and Plaine Corail were of the order of 104 kms per hour. Since Juliette was of a small diameter, an active clouds band associated with the system were confined within sixteen kilometers from the centre. Heavy rainfall and cyclonic gusts were not recorded at Rodrigues. After the cyclone the committee met yesterday morning to take stock of the damages caused and decided on relief and

reconstruction measures. Fortunately, no major damage was recorded except in the agricultural sector where the maize crops and the banana plantations have been affected. The Commission for Agriculture has reported that about five (5) arpents of maize plantations have been severely damaged while 58 arpents of the same crops which have been touched will recover. Banana plantations have also been damaged. Some 456 persons sought protection at the refugee centres during the cyclonic season. And according to the police, at five hours (5.00 hrs) on Monday 11 April, all of them had left the refugee centres. It has been decided to set up a committee comprising representatives of the Commission of Health, Social Security and the Commission for Community Development, the police and the Council of Social Services to review and make recommendations for the improvement of management of refugee centres. Electricity supply and telephone communication were maintained through the duration of cyclone conditions. Damages to the electricity network caused a disruption in the supply of electricity to about 2000 consumers in the region Petit Gabriel and Pointe Coton at fifteen hours on Sunday 10 April and they were reconnected at nineteen hours on the same day. Some one hundred (100) individual phones which were registered were reconnected on the 11 April, 2005.

Mr. Chairperson Sir, I thank you for your attention.

Mr. Chairperson: Yes, next item.

The Clerk: Bills, first reading, the Rodrigues Children's Council Bill.

Mr. Chairperson: Yes, Commissioner for Women's Affairs.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I move that the Rodrigues Children's Council Bill be read a first time.

Mr. Chairperson: Yes, question: that the Rodrigues Children's Council Bill be read a first time. Those in favour say aye, those against say no; the ayes have it.

Mr. Chairperson: Please wait Clerk, there is a specific procedure that there should be an order for the Bill to be read a second time after the reading of the short title. May the Commissioner proceed with the second reading. I am sorry, Clerk.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I move that the Rodrigues Children's Council Bill be read a second time.

Mr. Chairperson: Yes, that the Rodrigues Children's Council Bill be read a second time, those in favour say aye, those against say no; the ayes have it; now the Clerk may proceed to read the long title.

The Clerk: The second reading – the Rodrigues Children's Council Bill – the second reading: to provide for the setting up of a Rodrigues Children's Council for the promotion and realisation of the rights and welfare of Rodriguan children generally and to ensure the overall development of those children with a special attention to the need to safeguard the specificity of the Rodriguan culture and heritage.

Mr. Chairperson: Yes, the floor is open for members to address the House. Yes, Commissioner for Women's Affairs.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, after two (2) years of the accession of Rodrigues to the status of Autonomy, on behalf of the Executive Council, I am proud to introduce this first public Bill in this House. In fact, as a responsible government we had already defined our legislative calendar since our coming into power in 2002. Some ten bills were to be introduced in this House among which the Rodrigues Children's Council Bill. Although section 30 (1) of the R-R-A- 2002 makes provision for the RRA to propose an adopt Bills in relation to matters for which it is responsible, however section 40 (2) of the same law binds us to act with caution. Our attention was drawn to section 30 (4) of the RRA which prevents us from adopting a Bill seeking to abrogate, suspend, repeal, alter, override or be contrary to any law passed by the National Assembly. The law provides, Mr. Chairperson Sir, prior to our accession to autonomy and even now national laws still have the same force of application in Rodrigues until and unless we apply for a modification of same according to our local context and realities.

Mr. Chairperson Sir, although the constitution has been amended to give such power to Rodrigues and the provisions made in the RRA Act to express such intentions, the process of legislation is a very important issue, if not the most important function of our Assembly; and we have to do it correctly in such a way so as to reconcile national laws and regional laws within the same republic.

Mr. Chairperson Sir, this Bill had already been drafted in consultation with the stakeholders since June 2003. But prior to vetting by the state law office, negotiations at various levels were necessary since the autonomy model is an entirely new experience in this part of the world. Subsequent to consultations between the Minister for Child Development and the

Commissioner, our Departmental Head and the Permanent Secretary and, thereafter, between the Chief Commissioner and the Prime Minister, Cabinet agreement was sought and obtained and subsequently amended to the National Children's Council Bill were carried out by the National Assembly on the 17th March, 2005. Only then could the state law office carry out its final vetting for the introduction of this Bill in the RRA to-day. Amended National Children's Council Act (No. 9 of 2005) has been gazetted in issue No. 34 of the 8 April, 2005.

Mr. Chairperson Sir, respected members may wish to recall that once this Bill has been adopted here in our Assembly, since we are an autonomous and not an independent island, the Bill will go through the process of legislation in the National Assembly for adoption and eventual proclamation in accordance with section 46 of the Constitution.

Mr. Chairperson Sir, this bill is a testimony, if need be, that within the Republic of Mauritius, Rodrigues has its own specificities and this presupposes that institutions must be created to fit our own specificities. This Bill is a forward looking step to further promote the rights of the Rodriguan child, his or her interests and their welfare in the Rodriguan society. It translates into reality the Regional Government's intention to place the Rodriguan child at the centre of the development agenda. During these past decades, there have been many commitments taken by Government at international, regional and national levels for the rights, protection and development of the child. Many countries including Mauritius have set up the necessary related instruments. With autonomy Rodrigues has to move fast and socio-economic transactions can have negative bearings on the vulnerable groups mainly children. Our aim is to create a platform where children themselves and their representatives can be consulted and raise their voice in matters that affect them and ensure that their views are taken into consideration and given full attention. Under aegis of the Commission for Women's Affairs, Child Development and Family

Welfare - the Rodrigues Children's Council Bill is being set up and will have as main objective to be a co-ordinating advisory and consultative body among government and non-government organizations that work for Child welfare and protection. In proposing this Bill the Regional Government is expressing its pledge to make children's welfare, education and development parts of its part of its bold efforts to make a Rodrigues a better place to live.

Among the objectives of the Bill Mr. Chairperson Sir, there has been strict criteria laid down by the present legislation for a legal framework and parameters within which Council and Board are expected to operate. These criteria relate to all aspects of this operation, be it for qualifications of members, tenure of office, day-to-day management, annual estimates,

keeping and auditing of accounts and control by the Regional Assembly. The law provides for the setting up of a General Fund for the revenues and expenditure of the Council and the verification of accounts by the Director of Audit under the statutory bodies Accounts and Audit Act. Among the other main objects of the Rodrigues Children's Council which will be a body corporate, it will be act as a bridge between the RRA and persons and NGOs working for children. It will also promote the implementation of a United Nations Convention, the African Charter and other international and other enabling law on child protection. It will initiate child development projects and activities. It may assist children in conflict with the law. This Bill shows our interest to further the democratic principles in Rodrigues. Provisions have been made for the Rodrigues Children's Council to open its membership to as many individuals, organizations, services, agencies, statutory and non-statutory bodies fully involved in the promotion and protection of the Rodriguan Child. Life in Rodrigues, Mr. Chairperson Sir, is like life in any country with all its complexity and the children of the world share the same expectations but face different problems in different ways. Studies and observations have revealed that face with neglect, sometimes physical violence, abandonment, abuse including sexual abuse, exploitation and child labour, early pregnancies, low education achievements sometimes, child prostitution, juvenile delinquency and malnutrition. On of the cause that underlie these may be parental dismissal of various responsibilities and among other causes, let us mention a few. Increasing divorce and separated couples, lack of support to families, personal frustration and degradation of moral and religious values also the rapid development change. In order to overcome those problems, let me mention a number of actions taken by my Commission. In 2003 after extensive consultation with local and international experts and stakeholders, we launched a series of strategies for the protection of the Rodriguan child including a parental environment programme for which provision has already been made in 2005-2006 budget. Childwatch network has been designed and will be operational as we get the required staff. Creation of associations of support to victim of violence are opening soon of a shelter. A situation analysis of children has been carried out with UNICEF. Human Approach Analysis of the child and training of stakeholders in the issue. A Rodriguan chapter on the National Children's Policy has been formulated. Mass sensitisation of children's issues were organized throughout various sections of the population with men and boys as the main target throughout the island. In collaboration with the Comité des droits de l'Enfant, we launched a family game. A Steering Committee on the Rodriguan Child has also been set up. I would also like to mention all the various measures taken in solido by the Executive Council which concern the Rodriguan children.

Major developments have occurred since autonomy at education level. Two (2) new colleges – Citron Donis and Mont Lubin have been opened for more specialization and proximity. The school feeding project is being balanced and upgraded. Special emphasis on local products and our final aim is to provide in the long term un repas scolaire complet à tous les étudiants. Rodrigues has adhered fully to the Observatoire de l’Océan Indien set up in November last. We are taking commitments to improve our statistics to meet the objectives of observatory. To conclude, Mr. Chairperson Sir, the Regional Government wish that this legislation consolidates all the efforts already made and the long-term vision to further improve the well-being and security of our children. I am confident that the Rodrigues Children’s Council which will be a cross section of all stakeholders involved in the promotion of children’s welfare will act as the missing link vital to the galvanization of all sectors concerned including the Commission for Child Development, the Commission for Education, for Health, for Social Security, for Public Infrastructure, for Industrial Development and all other instruments of the Executive Council and also organisations, institutions, the private sector and last but not least the civil society at large for children’s NGOs. Mr. Chairperson Sir, the Rodrigues Children’s Council Bill will also allow the co-ordination of action of NGOs involved with children’s issues and organized welfare activities for children. This does not prevent NGOs to organize similar activities. On the contrary all of us who are concerned with children must join hands together to form a protective and loving circle around our children and move towards the same goal. I’d like to end here Mr. Chairperson Sir, by quoting the Secretary-General Koffi Annan who said, “Our resource is our people. It is on their abilities, skills and attitudes that the nation’s future must be based.”

Mr. Chairperson Sir, the future adult citizens of the island of Rodrigues on whom the responsibility lies for ensuring economic prosperity and social harmony are the children of to-day. With this Bill we are taking care of them to allow them to take care of to-morrow. With these words, I commend the Bill to the House.

(Applause)

Mr. Chairperson: Yes, from the minority side?

Mrs. Meunier: Mr. Chairperson Sir, it is a great pleasure for me that this House has given me the opportunity to comment and give my views on this Rodriguan Children’s Council Bill whose objectives are set clearly as follows: to promote the rights of children and to promote the implementation of un convention and so on. The intention of the legislator might seem

laudable to the general public. But those who can read between the lines could see through these words that there is something brewing in the minds of people who prepared that Bill.

Mr. Chairperson Sir, indeed, while we go through this Bill, we are surprised to see that the powers which are supposed to be granted to this council indeed are only faked. The real power would go to the Commissioner. When we refer to section 6 which deals with the expulsion of members, we see in the National Children's Council that the law provided that whenever a member has been expelled and that there has been an appeal, the notice and reasons of appeal shall be lodged with the Council's secretary. But here in Rodrigues, the notice and reasons of appeal as this Bill, the Rodrigues Children's Council Bill provides "will be lodged with the Commissioner." Secondly, the council in the National Children's Council Bill; it is a council which has the power to confirm or reverse the decision of the Board or substitute a less severe sentence but it is the Commissioner who is going to be responsible to confirm or reverse the decision which will go to only one person. So, the council has very little power. Then we should ask ourselves the question – Does the existing National Children's Council Act not provide elements for the rights of the Rodriguan child because the National Children's Council Act provides for the rights of the children of the Republic and we still form part of the Republic. And in the Council, they provide for the interest, welfare and protection of the children in Mauritius, in Rodrigues, in Agaléga, everywhere in the Republic.

Mr. Chairperson Sir, what has been the real contribution of the R-R-A to the National Council since its implementation? What does the National Council Act of 2003 provide for Rodrigues? I think it goes to the other side of the House to ask the question. In section 12 of the National Council Act, there is provision for the inclusion of the Rodrigues Regional Assembly in the National Council in Mauritius. What has been the role of the Commission for Child Development since then? Is the setting up of the Children's Council Bill not a kind of duplication of the National law? Does it mean that things will really be better for our children. I just heard the Commissioner talking about the School Feeding Project. We are very happy but not later than at twelve to-day, a parent has just complained that in a school children are eating butter which has probably expired since a long time since the taste is very bad. Take note of it and go and see. We know perfectly well how things have been going on since the setting up of this Assembly with the OPR Government at the head. They have complained so many times that things were bad under Mauritian governance and then, with their governance, they will ensure better care for the people and I understand, that is also for our children Mr. Chairperson Sir, what has improved in the lives of our children since the setting up of the Rodrigues

Regional Assembly? What have the people on the other side of the House done for our children? To-day itself at Soupir, some children are not going to school. Are you aware of this matter? Why these children are not going to school? What is the problem? The setting up of a Bill is very good, it is very laudable. Many Committees just like the Board that is going to be set up with the Council as mentioned in section 8 of the bill, the Environment Committee, the Road Safety Committee and so on have been set up and action. Well, let's see what action. For example if you look at the Environment Committee, the Environment Police itself condemns people for throwing a cigarette in the street and they have to pay Rs 500 as fine. But have you seen those people outside who work to collect our garbage everyday, they have to stand in the truck together with the waste, with dead dogs, dead animals, with everything which is hazardous to their health and dangerous as well. "Piquant loulou" itself is invading our island and we just heard about a few weeks back and what is being done? Villages have stayed uncleaned for months and only when people from this side of the House mention it in the House, asked questions in this Assembly that things go back to normal. Mr. Chairperson Sir, these same people are fighting for the rights of the children. But let's see what problems our children are facing. Teenage pregnancy, first of all, is on the increase, pass rates of CPE level are declining year after year and what is being done? Sanitary conditions in some schools are unbearable and the Commissioner for Child Development, blind or she does not even see? We are going to talk about equal chances for our pupils, for our children. Do we really need a Council? Do we really need a Bill to do what we have to do? Just like those ghostly committees that we have seen. Is the Commissioner aware not trying just to crack a nut to show that during her mandate she can pass a Bill. Go to the schools and visit them, you will see; the environment, the living conditions, still now in 2005 we are talking about equal chances. In some schools "les enfants vont faire pipi dans des latrines avec des trous qui sont très dangereux tandis que les autres, ils vont dans des toilettes décentes. Les droits de l'enfant, on parle de consultations avec les stakeholders. Tout ce monde est là, il voit ». In section 4 (d) of the Bill it is mentioned « to promote in Rodrigues the implementation of the child»; I have just told you, "and the African Charter on the Rights and Welfare of the Child and any other international instrument or local law for the protection of the rights of the children. Mr. Chairperson, Sir, what is the meaning of local law? And what is "international instruments"? Any other international instrument, can any international instrument be allowed to deal with such a sensitive matter as the rights of children? What are going to be these international instrument? Has the legislator addressed himself or herself to the real meaning of such a clause. Moreover, in section (k) of the same clause, it is further stated "to

establish contacts with organisations engaged in similar type of activities outside Rodrigues.” What are these activities mentioned? Is the legislator sure that there organisations that are international and that all claim that they are all working for the benefit of our children are genuine? Mr. Chairperson Sir, the Commissioner for Women’s Affairs and Child Development and her Commissioner cannot even provide a full-time psychologist to deal with problems causing trauma to children. I wonder about the work of this Bill. In this country the situation and living conditions are getting worse and worse. Is the Commissioner for Child Development in the presence of statistics or survey documents on the conditions of children in Rodrigues regarding first their health, secondly their education, thirdly their environment and fourthly their financial situation? What about working children, children who roam the streets of Port Mathurin right in front of the R-R-A and near administration selling things in the streets. What about other plagues threatening our children like drugs, sexual abuse, incest, poverty, malnutrition? What has been planned since the setting up of the Regional Assembly? What has the Commission done to fight these problems so far and now we come with the Bill? Do we have to wait for a Bill to fight for the rights of Children? What has been done during these past years to make a difference to the [light of our children who are suffering? Mr. Chairperson Sir, we would like to know from then on and then we can see what the objectives of the Bill that are clearly set that is very beautiful are going to be implemented really. The problems faced by our children might be complex but they are simple. They are complex because they result in complicated situations but have only one source and you know what is the source: Poverty. Our people are poor and hungry for justice and equity; poor because they have a low purchasing power and their dignity is being lost to the dogs, Mr. Chairperson Sir. The first rule that governs our autonomous island, we have children going to school – qui vont faire leurs besoins. Comme je l’ai dit tout à l’heure dans des latrines, tandis que d’autres plus chanceux qu’eux. Vont dans des toilettes décentes. On vient parler de loi et la situation. Secondly, things have to be done in the interests of the child, then we have seen one respected member of this House himself placing a child in a dust bin on one occasion. Was it the best interest of a child? Is it not prejudicial to the person of this child? Thirdly, Mr. Chairperson Sir, a child must have a right to a decent life. People are still awaiting in Soupir, Le Chou houses which have been promised to be constructed since the passage of Cyclone Kalundé and we have a Cyclone Committee. These people are still awaiting their houses to be completed and living in a very bad condition and people have to send children to school, to colleges. And we want the child to have a decent life. How are we going to protect this child? Through a Bill or through our actions? Has the child

always been protected under our laws, our autonomous government. In the case of sexual abuse which happened only last month, the law and the Commission for Child Development have been unable to protect one child of sixteen years of age, have been unable. Three persons have been accused of having abused the child and one of these suspects has been caught, called at the police station three days after a statement was made by her parents at the police station. Where does the right of the child come in? A child has not been protected and we have people working in the Child Development Unit. Long statements have been made about this, but action speaks louder than words. What about teenage pregnancy and abortion which put danger to the life of the child and child to be, I would say? What has been done at the level of the Commission for Women's Affairs and Child Development to eradicate this problem? Fourthly, a child shall have the right to education. What will happen to the rights of our children? The children will no longer have the right to choose together with the guidance of their parents the school where they want to attend because the Regional Government is trying to impose the kind of education they want on the Rodriguan child through regionalization, depriving the child and the parent of the right to choose to send their children to a school which conforms to such minimum standards to ensure his religious and moral education, for example the Rodrigues College which is an institution recognized by the law and which obtains grants from the government. The right to health, Mr. Chairperson Sir, not later than the last session, we have seen through a question of one of my colleagues how health care is delivered to our children. Breast-feeding mothers staying in hospital where their babies have to spend the night on a bench and take care of their sick child. The children's garden next to the pediatric ward is in a very poor state. What has the Commission for Child Development and the Commission for Health offered to these children. Those who have to stay in hospital because they are sick and also have to suffer the conditions in the hospital. What has the Commission for Child Development offered to these children living in remote places to promote leisure, for example villages like Cité Patate, Baie Topaze, Rivière Banane and many others.

Next, Mr. Chairperson Sir, child labour. Every child should be protected from all forms of economic exploitation that is likely to be hazardous. A child is defined as a person below the age of eighteen in this Rodrigues Children's Council Bill. How many young adolescents are working to-day in Rodrigues and bearing the physical as well as the verbal harassment of adults. What has been set up for those so far? Has any study been conducted? We know that the poor living conditions of parents sometimes compel those children to go in search of a job and they will take any job that is offered to them on the market where these children are not

protected neither from swindlers nor from ill treatment. What has been done? Mr. Chairperson Sir, for child abuse, we know that identification is never carried out and investigation is never done unless a case is reported. For example, we have a child living in hospital for months now. Who is attending to this case? Who is assisting the child psychologically? What treatment and follow-up is given to children who are abused physically and mentally? What protection, what campaigns of information does the child, parent have against sexual abuse and mental torture resulting from ill treatment of adults? When a child has been involved in a criminal activity, what provision is made for his detention in this country? In the meantime our children are being exiled from their environment, from their family to Mauritius which sometimes do them more harm than good. Mr. Chairperson Sir, we hear a lot in the Bill about children. But what about the parents? Everybody knows that a child cannot exist without the support of his parents. The family is indeed the basic unit of society and the government should be able to create the appropriate conditions to feed the family and at the same time support the child. Many countries, especially those who are said to be under developed or developing suffer from scarcity of resources and one problem facing our political leaders and government are deciding what to produce so that our people earn a decent living. However, it seems that the problem of resource allocation does not interest our colleagues on the majority bench. The question of what Rodrigues should produce and how our poverty-stricken island is going to do so is not the priority of those who govern us here. Mr. Chairperson Sir, they seem to contend with the theory that those who are financially stronger should get a larger share of what we produce while the weak people have to beg or to revert to the few poverty alleviation programmes and in the meantime, who suffer? The children. Mr. Chairperson Sir, with such a situation how can the family be employed and how can the child live decently. In the budget of 2003-2004 I recall that the Chief Commissioner said, "there should be re-integration of vulnerable groups in the mainstream of development and empowerment." What has been done to empower the families to-day. What about the housing problems set u and then I heard the Commissioner say on radio that people who live in Trust Fund houses should climb on the roof and try to secure the iron sheets so that they do not fly away. This is empowerment, Mr. Chairperson Sir, where housing programme here have been set up.

(Interruptions)

Mr. Chairperson: Order, please, order, please. No interruption from a sitting position.

Mrs. Meunier: When housing programme do not really empower families, but indeed these housing programmes encourage labeling. At school we hear “toi to rester lacase Trust Fund.” You know what is the effect of labeling on a child? It affects his reputation; the child walks with his head low all his life. Is this empowerment, Mr. Chairperson Sir? Empowerment veut dire rendre capable, rendre capable de quoi, rendre capable les Rodriguais d’être les maîtres de leurs destinés. Has the Regional Government really created the appropriate condition for our families to be able to be able to give the appropriate care and protection to their children. La famille Rodriguaise doit retrouver sa dignité. Cela implique que chaque famille, chaque chef de famille Rodriguaise doit pouvoir se nourrir et doit pouvoir être un homme ou une femme debout et de retrouver sa fierté. L’enfant Rodriguais doit faire face à beaucoup de problème and it is the computer age. A Maurice on parle de Cybercité, de Cyberîle. A Rodrigues on parle de quoi, « p’tit piments. » Are we catering for the needs of our children? Seront-ils toujours en déphasage avec le développement, avec la globalisation, parce que les familles n’ont pas les moyens et sont privées de tout, par exemple des routes d’accès praticables comme les enfants de Rivière Banane, privées de logements décents, privées d’éducation par leur situation économique. Les Rodriguais en ont assez de vivre de slogans. Uneven laws don’t only create havoc and despotism where some people want to control everything through laws above existing laws. Mr. Chairperson Sir, the people of this island spend the major part of their income to fend and no money is left to invest in the future of their children. And the Regional Government n’a pas créer les conditions propices pour que ces familles puissent se mettre debout. C’est pourquoi les familles souffrent et les enfants encore. In order to improve the living standards of our children, our people, our families should receive appropriate facilities to become financially independent. Then our children will not suffer from abuse physically or mentally. Then their conditions will improve; then they will be able to freely express themselves without looking bara; then they will be independent and the Rodrigues Children’s Council Bill will have its raison d’être. Mr. Chairperson Sir, since 2002 we have seen how boards or committees set up to assess the needs of the Rodriguan people have failed and have taken us all for a ride. The interests of the child, I really doubt that this is a good way to have a few trips around the world and to enjoy some financial privileges. The benefit of the Rodriguan children will then go to the dogs. A Board Director in this Bill will have power by this law to enter into any transaction which should not exceed 100,000. No comments, Mr. Chairperson Sir, c’est la matière à réflexion. The Council would be set up and then you would see many ways action zero just like provisions were made for many projects in the past and here on this side of the House, we

have called it that these projects are pads which means that they are either forgotten, abandoned or transferred to someone else. Many laws and projects are not seriously planned but are launched as a matter of urgency to fulfill some hidden agenda or to fulfill some electoral promises. Mr. Chairperson Sir, power corrupts, absolute power corrupts absolutely. Pendant des années l'homme Rodriguais a su survivre à travers son éducation, sa fierté et sa dignité et que maintenant l'enfant Rodriguais – nos enfants, l'homme Rodriguais de demain est en train de subir des conditions inhumaines. Quel avenir allons-nous donner aux générations futures ? Quel exemple donnons-nous avec cette attitude de « je sais tout » qu'adoptent nos collègues de l'autre côté de la chambre. Je suis propriétaire de tout, de Rodrigues. Tout le monde n'a qu'un mot à la bouche – nous sommes au bord d'un précipice – je pense que le gouvernement régional doit se remettre en question. Our people had have enough of carrying coal into Newcastle. The real problem - des problèmes qui sont des problèmes de terrain plutôt que des problèmes de loi doivent être attaqués de front. Et quand une loi existe déjà, pourquoi en faire une duplication juste pour se donner bonne conscience. Pourquoi ne pas travailler sous la loi existante et voir les résultats avant de s'aventurer dans des lois nouvelles qui apportent réellement peu de choses. Ayons l'esprit créatif, mais aussi la tête bien sur les épaules. Faisons quelque chose pour le bien de l'enfant Rodriguais pas pour satisfaire certaines personnes. A saying goes the pitch, shall be defiled.

Merci, Monsieur le Président.

(Applause)

Mr. Chairperson: Yes, I understand that there are some members from the majority. No idea how many members from the minority. The next will be Commissioner Nicolson Lisette, please.

Commissioner Lisette: Mr. Chairperson Sir, the former President of South Africa once said:

“Children are the most vulnerable citizens in any society and the greatest of our treasures and there can be no keener revelation of a society’s soul than the way in which it treats its children.”

The introduction of the first Bill in this Assembly by the Commissioner responsible for Child’s Development reveals the mind and perception of the Regional Government’s feeling about the issue of children and directly reveals our souls towards this issue. Moreover, our determination and sincerity is further confirmed by the fact that this Assembly is meeting today in a special session just to discuss on children’s issues.

Before I proceed further, I would like to congratulate my colleague, the Commissioner responsible for Women's Affairs, Child Development and Family Welfare for her well elaborated speech on introducing the Bill to the House and her philosophy that goes with it and whose main aim is to empower the civil society for increasing the capacity of the Rodriguan child to engage positively and successfully in every aspect of life.

Mr. Chairperson Sir, after the analysis and perusal of the Bill, I come to conclude that it underlines one of our fundamental concept and ideals, that is, "Participation Démocratique". The composition of the Board as well as the Council clearly demonstrate this concept. Furthermore, the holistic and nurturing approach of this Bill reflects the vision and ideals of the majority group which aims at strengthening the link between the authorities and the civil society. This is a way to say that we believe in the work that are being performed by many associations and bodies around the island. This kind of partnership is a shining example on which the achievement of all our goals depends. The tasks we are to face, great though they are, can be achieved when the government is able to work together in a harmonious way with every sector of society. I mean non-governmental organisations, the private sector and the community.

Autonomy has brought us the opportunity to make a reality of this vision. It means that our country has a government that puts the needs of people first. And it means also that our friends in the community who share our democratic ideals are now able to join hands with us in addressing these needs.

Mr. Chairperson Sir, as cited above, there are many associations and bodies in Rodrigues who are working for the protection, welfare and development of the child. These institutions may be working in isolation where comme le slogan de *l'Action Catholique des Enfants* rightly puts it "*chacaine pé amene so ti grain di sel*" for the same cause. The setting up of the Rodrigues Children's Council will bring all of them together under one umbrella for a better coordinated work hence aligning with the dictum that says "*we advance better only if we advance as one*".

Mr. Chairperson Sir, one area of consensus which should bind all members of this Assembly is the concern for our children. Unfortunately, Mr. Chairperson Sir, after listening to the member from the minority group who just given her speech, it is as if she is saying that the children of Rodrigues, their future is dark. This is what she has been saying in her speech. It is as if the Rodriguan child has no future. In fact, Mr. Chairperson Sir, there are lots of policies that have been taken, which I should say, have been enumerated by the Commissioner for Child Development and Family Welfare and which I should say are very positive. In building a new Rodrigues, our children must be one of our highest

priorities and centrepiece as they are the foundation on which our future is being built. Children represent about 40 percent of the population but 100 percent of our future.

We note with satisfaction, Mr. Chairperson Sir, that within the years, the Mauritian as well as the Rodriguan child has been given a lot of protection and possibility for his self fulfillment. The most recent decision is the introduction of compulsory education till the age of 16 whereby I should say about 8000 children in the Republic are given the chance to stay within the school system. This has been a brave and historic decision taken in favour of the child as we know that a child can develop his or her potential only if there is educational opportunity. And this also leads me to say that if we want to move a step further, the present educational system should also be adapted and modified and moulded to the aspirations and environment of the Rodriguan child.

Many a times, Mr. Chairperson Sir, some of our children are robbed of their rights to a decent living, stable family lives and sometimes of their entire childhood due to lack of funds from the part of their families. The graver circumstances include those who are orphaned, without any love or care and this is deeply distressing. I believe, Mr. Chairperson Sir, that the present Bill will meet these demand and somehow fulfill these lacunas to some extent. All actions and policies and institutions that are to be created under this Bill should be guided by principles of being eloquent with care, respect and love for our youth and children.

Mr. Chairperson Sir, an important facet of this Bill that should be focused upon, is the Children's General Fund which will be used to address some of the most urgent needs of our youth. The General Fund therefore, has a special importance. It includes, but goes far beyond the immediate relief it will give to young people deprived of what should be their right: amongst other things, formal education and a stable childhood and protection against any abuse. The Fund may also be used to relieve the plight of disadvantaged children. Today, therefore, marks a special and very exciting moment in the development of the Rodriguan child. The Children's Fund would be a tool to lend urgency to the task of addressing a wrong done to some of our youth and to help them prepare for the future. It is this humble wish that should motivate all of us and the funding agencies coupled secondarily with the fact that the amount so donated is deductible from the gross income of the taxpayer in the income year as per the Bill.

As regards the Commission for Youth and Sports, Mr. Chairperson Sir, several measures have been taken to address the needs of the teenage youths for their holistic development and to enable them to integrate more easily the mainstream and I would here advise the members on the other side to listen carefully to what has been done by my Commission and I think that

the other Commissioners will come later with what has been done for the level of the children in Rodrigues. First of all, Mr. Chairperson Sir, colonies de vacances and randonnées are being organised every year. As an example, my Commission is organising a colonie de vacances for 40 deprived children for the coming school vacation. Furthermore, by the setting up of different écoles de sport in the different villages, my Commission is encouraging the practice of sports activities for the healthy living among the young ones. In addition to that, the Youth Counselling Centre is playing its role fully for capacity building and dissemination of information on issues relating to adolescents and also for creating awareness on youth-specific vulnerabilities such as teenage pregnancy and HIV/AIDS for we should not forget also that we are committed to the Millennium Development Goals. Other measures being taken by the Commission include:

- (a) The revamping of the National Youth Achievement Awards for the developing skills development, participation in physical activities and adventure and involvement in community service.
- (b) My Commission has also decided to open the youth centres up to 8.00 p.m to provide a secure place for healthy activities for the adolescents.

Another measure that the Executive Council is taking to improve the conditions of our youth and children is the setting up of the Youth Rehabilitation Centre at Maréchal. Gone will be the days when juvenile offenders would be sent to Mauritius or would be at the mercy of hardened criminals and share the same facilities with them. Young offenders under the age of 18 years are extremely vulnerable. They are also at an age when they are most likely to respond positively to efforts aimed at mending their young lives and preparing them to be worthy and valuable citizens. They have wronged society but they have the right to a chance to unlock their potential themselves. The centre at Maréchal that has been proposed puts on emphasis on youth development rather than imprisonment for we believe and are confident in what young offenders can become.

Mr. Chairperson Sir, today, I have a special thought for all these institutions and bodies who are fighting for the right and welfare of the child and they all really deserve a Badge of Honour, I should say, in gold. The speech given by the respected member from the other side is simply a word of discouragement to these institutions. On this side of the House, we recognise the good work being done by the institutions like the Action Catholique des Enfants (ACE), THE Religious bodies, CRAFT AID and the former UNICEF and many others which are helping the promotion of the

Rodriguan child. These institutions, among others, have been militating throughout the years for the welfare and the blooming of the Rodriguan children. The passing of this Bill by the Commissioner responsible for Child Development is meant to strengthen and encourage them in their work and is also a recognition of the good work that they have been doing. This replies to the question of what is the importance of the Bill. The importance of the Bill is to recognise that in this country there are specificities, there are institutions and associations which are working for the benefit of the child and we shall adopt their way of working in accordance the Rodriguan specificity. Mr. Chairperson Sir, before us are threats we must face and defeat from which we should protect our children – from sexual abuse, to exploitation, to the easy temptations of indifference.

But before us there is also an unprecedented possibility of progress. However, we should bear in mind that every time an association lifts one child above the squalor of violation and exploitation. Every time this association and the Commission for Child Development rescues one teenage boy from juvenile delinquency or one young girl from being sexually abused – we are making a difference.

And I sincerely believe that the passing of this Bill by my colleagues the Commissioner responsible for Child Development and Family Welfare and its adoption will make a difference in the life of the Rodriguan child.

I thank you for your attention.

(Applause)

Mr. Chairperson: Yes?

Mr. Jabeemissar: Mr. Chairperson Sir, it gives me great pleasure in participating in the debate on the first Bill presented in this House. All of us here are parents and I am sure we all have children and I think it's our duty, it's our main concern that the child be the centre of our preoccupations. Before going further, Mr. Chairperson Sir, I have asked myself one question, first of all what is the urgency behind presenting such a Bill as being the first one after two and a half (21/2) years that such a government is in power. Mr. Chairperson Sir, the national laws - there are many – give us all ways and means to promote and protect children's rights. We have the Child's Protection Act, we have the Convention on the Rights of the child, we have the Juvenile Protection Act, etc, all these laws applicable in Rodrigues too and the Commissioner responsible for children's rights and protection, etc has the capacity, the power to use the law to see to it that the rights of the child are respected according to law in this island and the way such a Bill is

presented, as has just been said by my colleague is as if more empowerment is being given to the Commissioner rather than to children. Tout à l'heure j'ai entendu le Commissaire Lisette dire que d'après lui, mon collègue, Madame Meunier était contre les institutions qui militent pour les droits des enfants à Rodrigues. Peut-être c'est un malentendu.

Monsieur le Président, tout d'abord, je voudrais ici me saisir de cette occasion pour féliciter, pour dire un grand bravo à toutes ces institutions qui, à Rodrigues, à Maurice ou ailleurs dans le monde, qui donnent un grand coup de main, qui ont toujours milité pour le bien-être et pour sauvegarder les droits des enfants. Mais nous, Monsieur le Président, notre préoccupation majeure, avant l'autonomie, avant l'avènement de l'autonomie, avant la mise en place de cette Assemblée régionale, Monsieur le Président, tout le monde à Rodrigues se plaignait que les décisions sont prises à Maurice. C'est vrai, je vous donne un premier exemple, Monsieur le Président, on a toujours déploré le fait que l'éducation qu'on donne à nos jeunes à Rodrigues, c'est une éducation basée sur ce qui est préparé au niveau national pour l'ensemble de la république. On a toujours dit que l'éducation ne répond pas aux besoins de Rodrigues. C'est vrai on a toujours dit que l'éducation qu'on propose ici est « alien to the Rodriguan child », étranger à nos enfants. Monsieur le Président, si le premier bill à être présenté était un projet de loi visant à donner plus d'autonomie en matière d'éducation à Rodrigues cela aurait été plus sensé. Si on voit que l'éducation à Rodrigues ne répond pas à nos besoins et qu'on agisse dans ce sens, si on vient avec d'autres projets de loi, comme si on veut donner plus de chances aux enfants, moi je pense, Monsieur le Président, qu'on est en train de mettre la charrue devant les bœufs. La dernière fois j'ai été à une cérémonie de remise de certificat à l'IVTB, j'ai entendu l'assistant au Chef Commissaire dire que - devant tous ces enfants, j'ai été très content de l'entendre dire – Rodrigues a besoin de revoir le système éducatif etc, etc mais entre dire et faire, c'est beaucoup de choses, Monsieur le Président. Ces enfants qui ont passé toutes leurs existences dans les différentes institutions du pays, à apprendre, à avoir des certificats et puis se trouvent sans boulot. Ils ne peuvent mettre en exerce leurs compétences, ils ne peuvent pas se retrouver dans ce pays, Monsieur le Président. Combien sont nos jeunes, ces familles entières aussi bien que les enfants qui sont encore en train de quitter le pays, Monsieur le Président. C'est navrant, mais nous ce que nous reprochons aujourd'hui, c'est que ceux qui détiennent la majorité dans ce pays, ils ont le pouvoir en main ; quand ils ne peuvent pas comme si agir d'après les lois existantes, ils nous disent que ce sont les lois qui ne sont pas compatibles au développement du pays. Alors ils viennent avec des lois. C'est comme si ce sont les lois qui vont changer la situation dans ce pays. Alors, donc je dis bien cette loi a sa raison d'être. Mais moi je le répète, je

le redis, ça na doit plus être le premier projet de li que cette Assemblée doit présenter. Il y a d'autres plus urgents qui auraient du. Moi je me demande s'il n'y a pas des institutions, des organisations, des forces vives qui sont en train de pousser la Commissaire à aller de l'avant avec ce projet de loi parce que à mon avis la Commissaire elle-même, pendant tout ce temps là, elle n'a pas ressenti le besoin de venir de l'avant avec le projet de loi, mais pourquoi un tel empressement ?

Monsieur le Président, en analysant le projet de loi que la Commissaire vient de présenter j'ai remarqué que la loi nationale, c'est-à-dire the National Children's Council a trois objectifs principaux et que la Commissaire, en voulant présenter son projet de loi, n'a fait que prendre ces trois objectifs qu'elle a cassé en douze (12) parties. When which I have read through the objects of the National Law, I have discovered two key elements which do not exist in our present Bill. The first one is "protects the rights of children" which are already guaranteed by our Constitution. There are many other laws in Mauritius which protects the rights of the child. The second one is "promote the activities for the welfare of the children"

Now Mr. Chairperson Sir, when the National Children's Council Act 2003, No. 5 of 2003, was passed on 7th May, 2003, it took into account the children of Rodrigues as well as all children forming part of the Republic of Mauritius by providing for one representative of the organisation engaged in activities relating to child development to be appointed by the Commissioner responsible for Child Development to sit on the National Board. The question is whether the Commissioner is abiding by such law. Provision is also made in 12(2)(a) for the setting up of a sub-committee of the Board in Rodrigues. Is the Commissioner abiding by such a section of the law? What is it that on many other important issues related to the wellbeing of the population, we have on different occasions heard the Chief Commissioner himself say that this is the law, we have to abide by it etc, etc. But the national law for children already provides us for the wellbeing of our children and we want to change it completely. We have to see to it that what goes wrong in the law, we have to see what the law does not provide for the welfare of our children, then we come up with the necessary legislation. Now since all this is provided in the national law and as my colleague just said before me, the Commissioner responsible is not doing her job well, then she comes with a Bill in order comme on dit, pour sauver la face".

Monsieur le Président, durant ces dernières années nos enfants ont eu à faire face à des problèmes sans précédents dans les annales Il y a beaucoup de cas de par exemple, je cite des grossesses précoces on teenagers, des enfants échappant au contrôle des parents, ça devient de plus en plus alarmant, l'état de santé de nos enfants ; la dernière fois j'ai attiré l'attention du Commissaire responsable de la santé que on a un centre de

pédiatrie, une unité de pédiatrie datant de plusieurs années et que si on doit faire face à l'avenir, il faudrait comme si penser à faire une unité beaucoup plus spacieuses prenant en considération les différents cas de maladie dont souffrent nos enfants. Il y a les enfants maltraités ou abandonnés qui devient de plus en plus alarmant ; il y a la situation des enfants dans les écoles. Aujourd'hui, c'est impensable, dans certaines écoles les enfants utilisent encore des latrines, la dernière fois concernant la sécurité des enfants, une question a été soulevée ici – comment on fait peu de cas de la sécurité des enfants quand tout un panneau de fenêtre s'est échappé du bâtiment et s'il y avait des enfants là à ce moment, qu'est-ce qui serait passé ? Ce sont ces choses qui sont les plus préoccupantes pour nous, Monsieur le Président. Si nous venons constamment de l'avant avec des questions comme je viens de mentionner, Monsieur le Président, c'est parce que la population constate que le conseil exécutif ne se sert plus des moyens mis à sa disposition pour résoudre leurs problèmes. Maintenant venir inventer d'autres moyens à travers une loi, mais je pense que ce n'est plus la solution. Il y a d'autres problèmes plus urgents où la population attend des actions concrètes de la part du gouvernement régional, non pas les lois, une fois la loi est là, ça va prendre encore du temps avant d'être appliquée. Ne croyez pas qu'avec une loi tout va être fait comme avec une baguette magique. Non, vous aurez à faire face aux mêmes problèmes, les mêmes difficultés comme si la loi était nationale. Monsieur le Président, nous aujourd'hui nous sommes plus préoccupés par la situation de nos enfants. La situation économique alarmante de nombreuses familles due au manque d'emplois. Ceux qui cherchent de l'emploi n'en trouvent pas ; d'autres sont mis au chômage. La non-valorisation de nos produits locaux ; les gens investissent mais ils n'ont pas de revenus de leurs produits. Le surendettement, etc. Vous savez qui sont ceux qui sont les plus victimes de tout ça ? Ce sont les enfants, nos enfants, Monsieur le Président. Et aujourd'hui l'autonomie nous donne encore plus de défis à relever. Si nous permettons aujourd'hui à nos enfants de vivre une vie décente, c'est-à-dire on leur prépare déjà l'avenir, si on laisse ces situations que je viens de citer, si on les laisse s'empirer, il n'y a pas d'espoir pour l'avenir de notre île, parce que nos enfants c'est l'avenir. Moi je dis, venir avec une loi, c'est bien, mais trouver les solutions aux problèmes urgents du pays, les problèmes qui touchent les enfants, c'est encore mieux. C'est à ça qu'il faut penser, Monsieur le Président. Aujourd'hui beaucoup d'enfants pour faire face aux situations économiques très difficiles des parents sont contraints à chercher des emplois. Je me demande est-ce que les autorités locales sont au courant du nombre d'enfants en bas âge qui n'ont pas le droit de travailler mais qui pourtant doivent le faire pour gagner leurs vies. Est-ce que les autorités locales sont au courant de ça ? Aujourd'hui, Monsieur le Président, dans certaines institutions

scolaires du pays il y a des enfants qui quand ils arrivent à l'école, ils ont déjà bu de l'alcool. Ça c'est déjà alarmant. Quel encadrement les commissions responsables aujourd'hui ont pour ces enfants. Il faut adresser ces problèmes-là. Ne me dites pas il faut venir avec des lois. Les lois existantes nous donnent déjà les moyens ; il faut savoir les utiliser. Qu'est-ce qu'on fait, Monsieur le Président ? Sans compter, Monsieur le Président, la prostitution qui gagne du terrain. Des enfants de très jeune âge, le vol, Monsieur le Président, le viol, la drogue, tout ça ce sont des fléaux qui nous guettent. Moi je dis il faut essayer à travers les moyens qu'on a, essayer de trouver des solutions à ces problèmes là. C'est ça que la population attend de nous. Ce n'est pas des lois, parce que les lois il y en a déjà. On veut, Monsieur le Président, à travers cette loi protéger les enfants, leur rendre leur dignité. Savons-nous que certains endroits très éloignés de Rodrigues tels que le village de Ste Marie à l'autre bout de l'aéroport. Ces enfants-là, ils n'ont pas une bonne route d'accès pour aller à leur village. Ces enfants. Ils passent beaucoup de misères pour aller à l'école. Dans cette région, Monsieur le Président, il y a toujours un manque chronique d'eau. Combien de fois je suis personnellement intervenu ici pour montrer comment ces gens-là souffrent. Vous savez ces enfants, avant d'aller à l'école, ils doivent aller loin chercher de l'eau. Sortant de l'école l'après-midi, là aussi il faut qu'ils aillent puiser de l'eau pour les besoins domestiques, pour nourrir les animaux, etc. Moi je dis ce sont ces choses là qu'il faut prendre en considération. A Rivière Banane, par exemple qui est un village éloigné, les écoles ne sont pas rapprochées de Rivière Banane. Ces enfants là éprouvent aussi beaucoup de difficultés pour aller à l'école. Oui, Monsieur le Président, j'ai découvert une lacune dans ce Bill, par exemple, le National Children's Council Act provides for the setting up of a National Children's Committee to be represented on the Board. What about us here? If we are trying to defend the children's rights and they have not their place in the Bill, in the Board, in the Council. How are we going to hear their grievances, how? Comment saurons-nous vraiment ce dont les enfants ont besoin si eux ils ne sont plus représentés. A mon avis, Monsieur le Président, c'est une grosse lacune de ne pas avoir inclus dans cette loi. C'est dit dans la loi nationale de mettre des enfants, pour être représenté sur le Board et pour terminer, Monsieur le Président, je voudrais rappeler à la chambre que nous au niveau de la minorité, il ne faut pas qu'on ait l'impression qu'on est contre une loi qui protège les enfants. Pour nous ce qui nous tient plus à cœur, c'est que avec les lois existantes, qu'est-ce que les autorités compétentes sont en train de faire pour garantir, pour protéger les droits des enfants. Si ils sont en train de le faire quand ça ne marche pas, à ce moment là on viendra avec un projet de loi pour renforcer, pour donner encore plus de chances aux enfants de vivre bien et décemment dans notre pays.

Merci, Monsieur le Président.

(Applause)

Mr. Chairperson: Commissioner Mercure, please.

Commissioner Mercure: Monsieur le Président, laissez-moi d'abord féliciter chaleureusement ma collègue, Mme. Arlette Perrine-Bégué pour être venue à l'Assemblée avec ce projet de loi, c'est-à-dire le Rodrigues Children's Council Bill qui est d'extrême importance pour l'avenir de nos jeunes. En même temps je ne peux m'empêcher de condamner le minority group en dénonçant leur irresponsabilité de dire que cette loi qui concerne les enfants n'est plus d'une extrême importance. Pour eux ce n'est pas la loi qu'il faut passer en premier et pourtant ce sont tous des éducateurs. L'histoire retiendra qu'en ce jour, qu'à ce moment même là où on est appelé à débattre, ils sont pratiquement contre tout ce que le gouvernement veut faire concernant la loi des enfants. C'est au pays, aux enfants, aux jeunes de prendre conscience quel genre de minorité ils sont en train de faire pratiquement parce que le gouvernement dit 'a', eux ils doivent dire 'b' malgré que ça n'a pas de sens. Il est temps pour nos enfants de connaître leurs droits et de parler de leurs devoirs, ce sera un excellent exercice de leadership, de decision making et de nation building. Je dois dire quand j'ai entendu parler les membres de la minorité, ils ont dit que pratiquement on ne fait rien. Mais laissez-moi vous dire seul, la sécurité sociale seule, nous avons pris beaucoup de mesures. It seems to them that government is doing nothing. May be they forget that we are giving grant to Rodrigues Disabled Association (AMIR) which is aiming at giving better education to lots of handicapped children.

Concerning needy children, at the end of the year, we are giving them toys and all these things. This is only social security, lots of Commissions are doing a lot for children. So it is not fair to say that this government is doing nothing for our children.

Monsieur le Président, pour terminer je félicite encore une fois ma collègue pour cette initiative et je lui promets tout mon soutien.
Merci.

(Applause)

Mr. Chairperson: Next member to intervene, please.

Mr. Agathe: First of all let me congratulate the NGOs, the students who since the year 2002 have given their views concerning the National Children's Council and the Act has been passed in Mauritius. Mr.

Chairperson Sir, at a certain point of time, there were many NGOs which were each working for the welfare of children, but there seems to be no co-ordination whatsoever of their work. With the idea of moving all those organisations under an umbrella organization so as to have a more concerted action, the National Council was therefore set up under the aegis of the Ministry of Women's Rights, Child Development and Family Welfare by an act of parliament with given objectives and functions such as studying methods of investigating, causes of child abuse, planning and promoting ways and means of identifying children who appear to be in need of assistance on account of any mental or physical danger to which they appear to be exposed, bringing assistance to children exposed to danger with due regard to the circumstances and the facilities available. Mr. Chairperson Sir, we all know in this Assembly that we have a Legal Adviser and Rs 15 000 are being paid to him. When we have a look at the Bill, we see that it is almost a copy of the National Children's Council Act. Therefore, where is the seriousness? If this Bill is an urgent Bill where is the Legal Adviser? Where is he? Nowhere, Mr. Chairperson Sir. Mr. Chairperson Sir, we have lots of act, for example the Child Protection Act (1994), Labour Act (1975); we have also the Juvenile Offenders Act, the Court Act, Civil and Criminal Codes. Let's take, for example, the case of a child. A child is defined when the Child Protection Act (1994) as any unmarried person under the age of 18. There are various minimum ages established for various purposes as follows:

Under section (7) of the Labour Act (1975), the unemployment of children under the age of 15 is prohibited. The same act also gives protection to young persons aged between 15 and 18 engaged in hazardous employment. There is no special provision for part-time employment in the Civil Code of Mauritius. The legal age of marriage is 18 years for both boys and girls. A child aged less than 18 years but more than 16 years requires parental consent. Under the Juvenile Offenders Act, a juvenile offender is generally considered to be a person below the age of 17. There are special provisions concerning offences committed by juveniles. The Court's proceedings take place in the chamber and in the presence of the responsible party. But under the Court's Act, a child under the age of 9 is allowed to be a witness in Court proceedings where the evidence of children is allowed if in the opinion of the court they understand the meaning of telling the truth. So, Mr. Chairperson Sir, for education it is meant to be free. The pre-primary teachers have been taken for a ride by the Chief Commissioner. I also have heard the Chief Commissioner say that pre-primary school will be free but unfortunately, Mr. Chairperson Sir, only in certain regions of Rodrigues. And those parents who can afford to pay have free pre-primary education. The ZEP school; many questions have been set in this Assembly regarding

ZEP. We have Commissioners who said that the parents of Rivière Cocos do not know the value of education. But, Mr. Chairperson Sir, many facilities are attached to that project but only the teachers are receiving their dues. The children have up to now not seen the Carnet de Santé, the parent Mediator, Mr. Chairperson Sir, those who go to the Cliderlex Building can read on the door Child Protection Unit. When we open the door; surprise. We see a person with very little to do with children. Les membres importants sont mis à la porte, allant même jusqu'à fermer le Child Protection Unit.

Mr. Chairperson Sir, let's have a look at the Bill itself. The word "resident" – membership of the Council – resident, this has to be interpreted well because in the Concise Oxford Dictionary, a person who lives in a particular place is a resident. So, it must be clear for all of us. And according to the National Children's Council Act the member on the Board receives an allowance. But here nothing. The Board now, line 8 the Rodrigues Children's Council Board. Mr. Chairperson Sir, let's have a look at the Convention on the Rights of the Child. We can see the child's opinion. The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child. Freedom of expression, freedom of thought and religion, freedom of association, Mr. Chairperson Sir, in the legislation for children, the registration of Association Act has been amended so as to include a minor with the written permission of his association. So, Mr. Chairperson Sir, how can a child who has freedom of speech, who can express his opinion but on the Board he is nowhere to be found. Mr. Chairperson Sir, when we have a small mathematical addition we can see that out of the twelve (12) members, who will be the committee, seven (7) have to be appointed by the Commissioner. Line 3 – every appointed member shall hold office for a period of 2 years and shall be eligible for re- appointment for another term of 2 years. So what will happen to the Committee? But in the National Children's Council Bill only the Chairperson has to bear the consequences of being re-appointed for a second mandate, not all the members. Mr. Chairperson Sir, we all know that in Mauritius we do know that we have a National Children's Council Act which was passed in Parliament with the aim of making it more dynamic and responsive to the needs of children and to ensure the participation in decision-making for the setting up of a National Children's Council Committee comprising of members elected among children and students' clubs and associations registered with the National Children's Council. This is in the line with the government's commitment to ensure child participation in decision-making. Mr. Chairperson Sir, we all know that the OPR government is...their acte de bataille c'est la démocratie participative, alors, Monsieur le Président, où est

la démocratie participative dedans, si les enfants ne participent pas dans des décisions.

Alors, Monsieur le Président, je vous remercie.

(Applause)

Mr. Chairperson: Miss Castel, please.

Miss Castel: Mr. Chairperson Sir, I would like to congratulate the Commissioner for Women's Right, Child Development and Family Welfare, Mrs. Arlette Perrine-Bégué for having taken the wise decision to bring this Rodrigues Children's Council Bill to the Rodrigues Regional Assembly today. Mr. Chairperson Sir, we have been mentioning the many measures taken by the Commissioner for Child Development to enable the children to have a better life in Rodrigues to enable them to have an environment in the island fit for them. Mr. Chairperson Sir, the setting up of the Rodrigues Children's Council is very important and the Commissioner for Child Development has rightly put forward the Rodrigues Children's Council which is providing for Rodriguan children to get a voice, to have their say, to be able to state how they feel about things that affect them. In fact, the decision taken by the Commissioner for Child Development is in compliance with the United Nations' Convention on the Rights of the Child. The United Nations' Convention makes provision for children and young people with a set of rights. This includes the right for children to express their views and to have them taken into account in matters that affect them. Mr. Chairperson Sir, this is because we feel that children have their own views. They do have a different perspective on different situations in their different environments. Mr. Chairperson Sir, I think that the Rodrigues Children's Council Bill will provide our children with a tool for improving their future and also empower them. By giving the child the right to talk, to engage in discussion with children of their age to share their views, analyse situations. We are giving the opportunity to develop their critical thinking, one of the most important asset which is required by our young people. With the setting up of the Rodrigues Children's Council Bill, it is also encouraging to find that this Regional Government is looking towards the trend, that is, activate the development, protection and welfare of the child. Mr. Chairperson Sir, this Regional Government has a great determination to bring about hopes and priorities that can meet the aspirations of our children, young people which I am convinced will be successful because all the objectives mentioned that are to be achieved are clearly defined. Consequently, the measures introduced by the Commissioner for Child Development do incorporate a perspective and its perception will be based

on a participatory approach which will allow this Commission to highly value the role of the children in our society. Mr. Chairperson Sir, I thank the Commissioner for Child Development for bringing the Rodrigues Children's Council Bill to this Assembly which shows the firm commitment of this Regional Government to assume fully its responsibilities for the betterment of the life of the Rodriguan child. I also thank the Commissioner for her dedication to uplift the quality of life of our children. With the enthusiasm of our team, we are confident that we will be able to meet the greatest challenges awaiting the children of Rodrigues in the years to come. As a responsible government we are re-iterating our engagement and commitment towards our children and young people of Rodrigues.

Monsieur le Président, j'aimerais bien remercier tous les responsables des institutions, associations, mouvements et groupes qui d'une façon ou d'une autre s'adonnent à des activités en vue d'apporter le développement du bien-être de l'enfant Rodriguais à bon port et je promets tout mon soutien à Madame Arlette Perrine-Bégué.

Mr. Chairperson Sir, I thank you for your attention.

(Applause)

Mr. Chairperson: Yes, anybody from this side?

The Minority Leader: Mr. Chairperson Sir, nous sommes enfin en présence du premier projet de loi que cette assemblée accueille après presque trois (3) ans d'existence. Et c'est fort louable que l'exécutif ait le thème, le domaine de la protection des droits de l'enfant comme premier centre de loi dans cette assemblée. Toutefois, je ne comprends les motifs derrière l'introduction, en urgence, de ce projet de loi. With the certificate of urgency ! Quelle est l'utilité d'avoir un certificate of urgency quand pendant trois (3) ans cet exécutif a eu le loisir, tout le temps voulu pour réfléchir sur la législation qu'ils avaient à introduire à l'assemblée ? Parce qu'il faut comprendre les Standing Orders. Les Standing Orders requièrent que pour toute introduction de projet de loi, le projet de loi et documents, the proposed Bill doit parvenir aux membres au moins quinze (15) jours avant que cela soit présenté pour le « first reading » à l'assemblée. Pourquoi cela ? Quel est l'esprit du Standing Order ? C'est justement pour permettre aux membres d'avoir des consultations entre eux, de réfléchir et de travailler toute proposition de loi. Nous avons eu le Bill vendredi pour venir travailler aujourd'hui. Il est tout à fait regrettable - Monsieur le Président qu'avec les effets du cyclone, etc nous avons eu à visiter les gens - que ce projet de loi ait été introduit dans la précipitation. Nous aurions souhaité, nous dénonçons le fait qu'il n'y a pas eu de consultations. Est-ce qu'il y a eu des

consultations ? Est-ce que le public a été consulté ? Est-ce que les enfants ont été consultés ? Et si oui, quand est-ce que cela a été faite. Parce qu'à ma connaissance je n'ai rien entendu, je n'ai rien vu, ni lu dans les journaux ou Mauriciens sur des consultations visant à introduire dans l'assemblée le Rodrigues Children's Council Bill. Je voudrais rappeler à madame la Commissaire some basic principles of Constitutional and Administrative Law by Bradley and Ewing 13th edition page 185 under the chapter 10, Functions of Parliament, subsection (a), Legislation. The process by which government policies are turned into law falls under three broad stages: (a) before publication of the Bill, that is before it is introduced into Parliament, (b) the passage through Parliament, the stage we are now examining and (c) after the Bill has received the Royal Assent that is it has been approved, in our case by Parliament in Mauritius, it has received the assent of the President. So there is the first stage, before publication of the Bill – consultation with all stakeholders of the Bill including children. Have the voices of children been heard before the drafting of this Bill, Mr. Chairperson Sir? Can the Commissioner tell us on which dates and at which places were children, those concerned with this Bill, students in colleges, representatives of Students' Councils, representatives of parents, Parents/Teachers associations, representatives of NGOs such as l'Action Catholique de l'Enfant and Scouts, have all these small fries they would think, but which represent the future like Commissioner Lisette put I and I fully agree with him; he is also an educator, children represent the future of Rodrigues. Mr. Chairperson Sir, we regret that no significant and widespread public consultations have been made before the introduction of this Bill in urgency, en urgence because we believe, Mr. Chairperson Sir, that things which are done in urgency are very often ill-done. Several aspects, Mr. Chairperson Sir, there is an attempt from the other side of the House to put on our back the view that we are against this Bill. If we are against, Mr. Chairperson Sir, we would have said it clearly. But we are not here as an opposition to rubberstamp everything which they bring here in this Assembly. We have to play the role of an opposition to study the Bill and find in it things that can be improved and we have amendments that we are going to propose, technical amendments as well as amendments regarding policies – amendments for example, it is said in the Bill at 4(k), 9(L) and 9(m), all these sections say that the Council, the organs of the Rodrigues Children's Council can deal and even raise funds internationally. This is in contradiction with the Rodrigues Regional Act which states that the RRA is not allowed to have foreign relations without approval of government. In the Regional Assembly Act somewhere it is said that before obtaining foreign aid from any foreign government, body etc we need to have the approval of foreign government. What if North Korea, for

example, wants to donate 1 million to the Council, would you accept without the approval of government? These are technical points that we will come to at the Committee stage. Mr. Chairperson Sir, we are, this side of the House is fully aware of all the international and national efforts aimed at preserving first and foremost he lives, the basic rights of the child and here, Mr. Chairperson Sir, I'd like to pay tribute to the government of Mauritius, especially the great leaders like Sir Seewoosagur Ramgoolam who endeavoured for the benefit of children in Mauritius and who have, for example, one of the greatest realizations in his political career granted universal free primary education, Mr. Chairperson Sir. Some people think that there were no rights, there were no realizations in children's rights before 2002 when they came to power, there was nothing before. Sir Seewoosagur gave free primary education, later on government of Mauritius gave free secondary education and I would like to pay tribute to all NGOs at the international level, UNICEF, which unfortunately is no longer present in Rodrigues because on the graduation ladder of the economic status of countries, Rodrigues falls under Mauritius and therefore, when they left Mauritius, they also left Rodrigues. Nothing has been done to say Rodrigues needs UNICEF, there is need for positive discrimination. I would like to pay tribute to the organisations in Mauritius and in Rodrigues, all those individuals, organisations who give their time, their resources for the wellbeing of children in Rodrigues. Before and after the setting up of this Assembly, I myself, Mr. Chairperson Sir, when I was a young child about ten (10), twelve (12) whilst in the actions publiques des enfants, I could recall how interesting, how pleasant it was, I believe on every Saturday afternoon to go to the "reunions". Ce sont ces gens-là qui oeuvrent pour les enfants. Justement, Monsieur le Président, il ne faut pas croire qu'une loi régionale va venir tout changer d'un coup de bâton magique ; avec la loi de Madame Arlette Perrine-Bégué, tout va entrer dans l'ordre. Il faut travailler, il faut reconnaître dans cette loi le travail accompli, les acquis de toutes ces associations et toutes ces personnes qui ont œuvré pour le bien-être des enfants à Rodrigues. Monsieur le Président, le Mouvement Rodriguais avait organisé le 4 décembre, 2004 un congrès des jeunes. A l'issu de ce congrès des jeunes, avait été adoptée une déclaration « Rodrigues à l'horizon 2020 ». Je ne sais pas si the mover of this Bill a eu l'occasion de fêter sur cette déclaration et je l'inviterai personnellement à y jeter un coup d'œil pour comprendre une fois pour toutes que ce que nous représentons, les gens, le parti politique que je représente et les autres présents ici sont pleinement conscients de la nécessité de la protection des droits des enfants et en plus de ça de travailler pour leur proposer un meilleur avenir. Et c'est ça que nous proposons. Avec l'indépendance économique que le Mouvement Rodriguais, le parti a adopté comme its long-term mission statement,

economic independence for Rodrigues. Because, Mr. Chairperson Sir, to-day in any country in the world, we cannot talk of rights if we do not have the economic capacities to fulfill these rights. The right of free primary education, for example, the right to health, we need to pay for the education and we need to pay for the health. To pay for these we need an economy which functions well where the institutions function and where government is fully responsible.

Mr. Chairperson Sir, allow me to comment on one of the international instruments on which this Bill is based, which however is very low on the scale of the functions of the Board. Paragraph 9(f)(6) – a very important international instrument as abovementioned on the rights of the child by the United Nations is placed as function priority, for the board to be established, sixth. The Commissioner, an educator, for sports has been talking in this House of realizations for children – Colonie de Vacances, Ecole des Sports. Monsieur le Président, ce n'est pas ça les droits des enfants dans le contexte de la déclaration internationale sur les droits des enfants. Les droits sont plus fondamentaux que cela, que setting up of Colonie de Vacances. Laissez-moi lui expliquer un peu on which strategic principles the Convention on the Rights of the Child is premised. There are four (4) strategic principles in the convention which can be outlined and which very often are used as programming benchmarks by policymakers. The first principle is the best interests of the child; it must be a primary consideration in all decisions and actions that may affect the child. The best interest of the child must reflect a balance between both the child short-term and long-term interests. Relevant factors in such a determination must include the physical, the cognitive and emotional development of the child, the express wishes or feelings of the child as well as the availability of resources necessary for the child's survival, development and participation. Keywords in this first principle are cognitive and emotional development of the child. I don't know who will be responsible, the Chairperson or the Director of this Rodrigues Children's Council if it is enacted but the office bearers as well as the future members of this should bear in mind that children don't have any needs in terms of balls, playgrounds, colonie des vacances, écoles des sports. First and foremost and all researchers in education in early childhood development would stress on this. The adults of to-morrow would be imbalanced, would not be full adults if they don't have a good cognitive, physical and emotional development and this is the problem to-day in Rodrigues. With the high number of marriages going bad, high number of separation of parents, high number of divorces. We have children living with one parent, children living with their grannies, with grandparents, children whose parents are in Mauritius in search of work because of economic sub-development, because of political victimization.

The second principle is that of non-discrimination. All children, male or female, poor or rich, with or without disabilities must be regarded as equally entitled to human rights, to attention because these are universal. The third principle is the right to life – survival and development. In this regard it is crucial to take into account the issue of accessibility which seeks to guarantee the right to basic services and equality of opportunity for individuals to achieve their full development. This is based on distributive justice which implies adopting positive measures to ensure that the policies cover all sectors. Mr. Chairperson Sir, right to life, survival and development. This makes us think of the issue of abortion which is illegal in Mauritius and which is a very sensitive issue but which “dans la clandestinité” is being done in Rodrigues with all the risks that goes with all the risks for the health of both the child and the mother. What is being done, Mr. Chairperson Sir, to sensitise young women on the associated risks with clandestine abortion? Have you ever heard, Mr. Chairperson Sir, of a campaign here explaining of giving importance to life, of the emotional and health consequences that can follow the destruction of ultra-uterin life? I have never heard anything from the part of this regional government to combat these issues. The fourth and last principle is respect for the views of the child. Where are the children to-day, Mr. Chairperson Sir? You can see in this House representatives from various organisations, people working with the child which is very praiseworthy. But is there a single child here? Has a single child been invited, for example representatives of Students’ Councils in colleges, representatives of Scouts, of the Action Catholique des Enfants? In fact, Mr. Chairperson Sir, as usual the very big error is adults, our adults discussing for children. Mr. Chairperson Sir, the principle of respect of the views of the child calls for the view and voices of children to be heard, respected. It is closely linked to the best interests of the child. It means that children’s opinions are important and their views must be taken into account concerning the realization of their rights. They should participate in decision making, processes that affect them in a manner appropriate to their evolving capacities. Two (2) important considerations are entailed by this version – first, as the child grows or develops, she or he must be accorded greater autonomy in the determination of her or his long-term interest. Second, participation must contribute to the child’s health development and to build his evolving capacities. Mr. Chairperson Sir, very often one of my colleagues has talked about the problems of parents losing control on their children. What has been proposed by the Commission to propose alternatives, solutions to problems between parents and children, what we call the generation gap? Nothing at the level of these four (4) principles governing the Convention on the Rights of the Child.

Mr. Chairperson Sir, in what environment to-day are we proposing this Bill. I was very much surprised, in the introduction to this Bill by the Commissioner, not to hear a general statement about the state of children in Rodrigues. What is the general state? Quel est l'état général des enfants à Rodrigues. A few indicators, Mr. Chairperson Sir, CPE, the failed rate last year : 48% meaning half, nearly 1 out of 2 children failed the CPE; at the maternity of the Queen Elizabeth Hospital, there are two (2) toilets, one (1) is locked for the personnel and there is only one (1) left for all the mothers, all the patients admitted to the maternity; and until lately, the light in that toilet was defective. Teenage represented%.- more than one quarter of birth at the QEH last year were under eighteen.

I have talked about the number of divorces. Each time the Supreme Court of Mauritius sits in Rodrigues, il y a tout un defile d'avocats, de notaires, d'avoués pour les cas de divorce. Pourquoi ? On ne peut parler des droits des enfants in a vacuum. On met le Bill dans un sac en plastique sous un vide and then we adore the Bill. Oh, we have passed a Bill which is very good whereas the situation in the community is alarming concerning the rights of children !

Mr. Chairperson Sir, the educator who is the Commissioner for Sports said that we here on this side of the House see the future of children of Rodrigues as black which is false and when addressing children, what have I heard, the Commissioner says it, for children, the same thing for the Fifth Island Region Member, she said parents, children, etc which. Are children objects, Mr. Chairperson Sir? So refer to them as it and by which. So, before criticising you better make your own analysis, to listen very well to what you are saying. Mr. Chairperson Sir, do you know how the police in Rodrigues deal with children, who for one reason or another have to come to the police station or who in some way or another, have contact with the police. Do you know when the police comes to arrest an adult the language they use, the violence in front of children "qui peut-être traumatisant pour un enfant? On a dit que la porte du Child Protection Unit – je ne sais ce qu'il y a derrière, est fermée, a été démantelée pour des raisons politiques, Monsieur le Président, parce que la personne qui devrait être responsable a été une personne, soi-disant selon eux, n'est pas de leur bord politique parce que l'ancien Island Chief Executive, Monsieur Wong So avait déjà initié les procédures pour le recrutement de quelqu'un de qualité et d'expérimenté pour s'occuper de ce Child Protection Unit. Qu'est-ce que Madame la Commissaire a fait ? Elle a tout fait pour bloquer le recrutement de cette personne. Et qu'est-ce qu'on a vu récemment, Monsieur le Président ? Récemment il y a eu un cas et ça concerne la police aussi bien que la Commission de la Femme et de l'Enfant. Une fille de 15 ans a rapporté qu'elle a été abusée sexuellement à plusieurs occasions par trois individus

dont un des accusés un décoré de l'Assemblée Régionale de Rodrigues de cette année. Qu'est-ce que la police a fait, Monsieur le Président ? Cela s'est passé un vendredi. Vous savez qu'on a arrêté la personne ? On a émis le Warrant to arrest vendredi mais la personne n'a pas été arrêtée. On a attendu lundi. Moi-même personnellement, j'ai vu la personne walking into the station – an accused, under arrest for child abuse, walking into the police station. What is the role of the police in dealing with children, in seeing that children's rights secured? What is the role of the Commissioner in this matter, Mr. Chairperson Sir? Mrs. Marie-Thérèse Meunier and myself were called upon and we helped personally the parents of this child and thanks to other people "de bonne volonté" in this island it has been possible to transfer the girl to Mauritius recently. C'est pour vous dire qu'il n'y a pas de structures. Il y a une loi qui va être passée. Il n'y a pas de structures et, Monsieur le Président, la Convention des Droits de l'Enfant ne marche pas toute seule ; elle marche avec la Convention de l'Elimination de Toutes Formes de Discrimination Contre les Femmes. Donc, Conventions for Elimination of All Forms of Discrimination Against Women. Qu'est-ce qu'il y a pour la protection des mères dans ce projet de loi? Il n'y a pas grand-chose.

Monsieur le Président, comme je vous disais, les enfants en difficulté, ce conseil là va travailler, peut-être va identifier les enfants en difficulté. Qu'est-ce qu'on va faire avec ces enfants-là après ? Quelles structures il y a à Rodrigues ? Il n'y en a pas. La dernière fois je suis passé dans le chemin de Jardin Mamzelle où il y a soi-disant un shelter qui est en train d'être réalisé à Baie aux Huîtres ; j'ai vu le mur de clôture en construction mais qui semble être abandonné depuis belle lurette ; il y a de l'herbe qui a poussé dessus. C'est comme la maison hantée, une maison abandonnée et on parle de faire un centre à Maréchal pour les jeunes délinquants. Nous espérons voir toutes ces réalisations.

Mr. Chairperson Sir, when we compare the National Children's Council Act 2003 with the Rodrigues Children's Council Bill, on a envi de dire c'est une copie conforme. Si j'étais un professeur et s'il y avait deux élèves – je suis un professeur – s'il y avait deux copies comme ça qui viennent devant moi. Je leur aurais dit « vous avez copié l'un sur l'autre ». Monsieur le Président, quel est l'objectif de l'Assemblée Régionale de Rodrigues ? C'est d'avoir des lois adaptées à Rodrigues. I à Maurice on trouve qu'il y a nécessité d'avoir, par exemple, un Chairperson ou un Director, à Rodrigues aussi on doit mettre la même chose, un Chairperson ou un Director ? Une duplication des ressources alors que les ressources humaines sont rares, duplication de moyens pour payer ces gens-là. Monsieur le Président, non seulement c'est une copie conforme, mais il semble que celle qui a copié a voulu tout mettre de son côté, to have the

superpowers in her hands. Qu'est-ce que les gens pourront apply to become members of this Council? Qu'est-ce qu'on voit, la section 6(5) par exemple du Council de Maurice concernant l'expulsion et la suspension des membres du Conseil – "la Council may confirm or reverse the decision of the Board, the council, le conseil – may confirm or reverse the decision of the Board or substitute a less severe sentence than the one imposed." C'est-à-dire que le Conseil peut renverser la décision du Board ou infliger une sanction moins sévère contre un membre. Qu'est-ce qu'on voit à Rodrigues dans le Bill qui est proposé ? A la même section 6(5) – The Commissioner may confirm or reverse the decision of the Board or substitute a less severe sentence than the one imposed. Why do some people take so much power in their hands, Mr. Chairperson Sir? Pourquoi à Maurice c'est le Conseil que est l'ultime recours pour la suspension ou la révision d'une sentence contre un membre, alors qu'à Rodrigues c'est madame la Commissaire qui aura ce pouvoir-là ? Deuxième chose, the appointment of the Director, la section 12(1)(b) – the Director shall be appointed by the Board on such terms and conditions as may be approved by the Commissioner...by the Commissioner, Mr. Chairperson Sir. Section 20, Mr. Chairperson Sir – Powers of the Commissioner: the Commissioner may after consultation with the Board give such directions of a general character to the Board not inconsistent with this law as she considers necessary in the public interest and the Board shall comply with such directions. Mandatory "shall", Monsieur le Président, où est l'indépendance de ce conseil? Où est la démocratie participative ? Qui voudrait, par exemple, en étant membre de ce conseil tolérer des injustices, l'interférence politique ? Qu'est-ce qu'on dit, Monsieur le Président, il ne faut pas vous considérer pareille à la ministre. You don't have the same constitutional order. You are first a Commissioner of the Rodrigues Regional Assembly, my friend. Mr. Chairperson Sir, what is said for membership of the Council? "Membership of the Council", after considering an application, the Board may refuse the application of a would-be member of a political party or that he is actively engaged in politics. As far as I know every Commissioner would be Commissioner responsible for certain rights, etc would be a politician, so we request that no member shall be actively involved in politics but the final decision to suspend a member rests with a politician unlike Mauritius. These are the discrepancies, Mr. Chairperson Sir, in this Bill. Although discrepancies, Mr. Chairperson Sir, I would invite members to give attention to it. Section 10(3) – the Board may at any time co-opt as members without voting rights not more than three (3) resource persons having special knowledge or experience in the matters related to children's rights and welfare or any of the matters specified in the objects of the Council, so the Board may co-opt, if it wishes, as members not more than three (3) resource

persons. Mr. Chairperson Sir, what do we see regarding membership? At section (5)(2) paragraph (b)(1), a non-resident of Rodrigues cannot be a member of this Council. In this case, Mr. Chairperson Sir, how would an expert, for example, in Mauritius or any part of the world whom they invite or which the Council may wish to invite to come and give his views on Child Development, etc, how would it be possible to invite that expert when he is not a resident and that possibility exists to co-opt him? So, we are limiting the scope to members that can be co-opted on this Council. Non-residents are excluded and we all know that the number of resource persons we have here is of course very valuable but is of course also strictly limited. So, I believe that this should be received because you cannot allow that only this matter of residents be dealt with section 17(2) again contains a discrepancy covering the finances. In section 17(2) the Commissioner shall before the beginning of the financial year signify in writing his approval of the estimates. The Board shall not less than three (3) months before the beginning of every financial year submit to the Commissioner a consolidated estimate of the expenditure and income of the Council. So, the Board is to submit an estimate. This estimate is to be included in the budget of the Commission and this comes to this House for approval and then sent to the Minister in Mauritius for insertion in the National Budget for final approval. How can the Commissioner signify his or her written approval of the estimates when the estimates have not yet been considered by the Assembly. So, can the Commissioner *entrepasser les droits de cette Assemblée à examiner le montant des finances qui doit être alloué à chaque institution, à chaque institution du gouvernement ; il y a un problème là-dessus.* Monsieur le Président, je vous ai parlé, dans la loi ici à la section 4(9)(L) et (m), il est mentionné que le Conseil peut recevoir des dons internationaux. Ceci est contraire à l'esprit de Rodrigues Regional Assembly Act. Même l'assemblée régionale de Rodrigues ne peut recevoir des donations o des aides financières sans l'autorisation du gouvernement et il serait très dangereux de permettre au conseil de ne pas amender cela parce que le Conseil pourrait interpréter cela comme une autorisation à elle-même et peut-être involontairement recevoir ou solliciter l'aide internationale et ce serait l'incident diplomatique. So, I believe that these especially subsection 9(m) should e amended by saying, « raise funds at local and international levels for the purpose of financing its activities subject to the provisions of the Regional Assembly Act because all laws which exist here must conform to the parent act of our Assembly. Any other organization or the Rodrigues Children's Council should not be allowed to deal internationally for the search of funds.

Monsieur le Président, j'ai énoncé l'objectif de toute loi qui doit protéger l'enfant, j'ai défini la position de ce côté de la chambre sur cette

affaire. N'essayez pas de nous mettre sur le dos le fait que nous sommes contre les droits de l'enfant, c'est totalement faux. Comme toujours on veut nous faire voir ce qui est vrai. On veut faire croire au public que l'opposition est là pour mettre le feu, pur brûler la terre – la politique de terre brûlée. Ce n'est pas ça, Monsieur le Président, à Rodrigues on parle des droits de l'enfant. A Rodrigues il y a un domaine où quelque chose se passe qui est très touchant. Quand un père de famille meurt, concernant le bail. Ça touche les enfants aussi, quand la veuve ou les enfants vont payer le bail, le père étant décédé, l'administration de Rodrigues refuse le paiement de ce bail. Savez-vous quelle est la pression psychologique que cela engendre chez ces familles qui sont déjà dans la tristesse, ces enfants qui ne savent plus quel est le statut légal de leur maison, de leur petite propriété. Pourquoi cela, Monsieur le Président ? Il y a, Monsieur le Président, une approche masculine dans la propriété à Rodrigues, comme si ce sont les hommes qui doivent posséder le bail. Qu'est-ce que c'est que ça ? Monsieur le Président, let me recall, in this House some are getting angry, let me speak, we are in a democracy. Il a été dit dans cette chambre que les filles-mères doivent habiter chez leurs parents. Les filles-mères qui ont un (1) enfant ou deux (2) ou trois (3) ou quatre (4) enfants parfois sont des gens vulnérables, pourquoi ne pas leur donner leur bail ? Et pourtant ça a été dit ici, les filles-mères doivent habiter chez papa et maman on avait dit. De telles approches, Monsieur le Président, l'approche que c'est l'homme masculin qui doit posséder est révolue et doit être condamnée parce que qui dit droit de l'enfant, dit aussi droit de la femme parce que bien souvent on entend dire, je crois que l'enfant doit rester avec la femme jusqu'à l'âge de cinq (5) ans. Et l'homme vous faites ce que vous voulez, l'enfant doit rester selon la loi jusqu'à l'âge de cinq (5) ans. Imaginez un couple qui se forme, le bail est sur le nom du père. Après deux (2) ou trois (3) ans, ils ont un enfant de trois ans disons et le couple se brise, ce qui arrive dans le monde entier, et l'homme demande à la femme de quitter son terrain, son bail ou la harcèle parce que la maison est à lui. Et la femme n'a pas droit parce qu'elle est mariée et elle ne peut pas immédiatement ou dans les années qui suivent avoir accès au terrain. C'est très décourageant, c'est très ennuyant pour les filles-mères, pour les enfants. Monsieur le Président, il y a d'autres cas d'enfants où l'Exécutif au pouvoir maltraite les enfants peut-être inconsciemment. J'ai l'exemple d'une fille-mère qui n'ayant pas de ressources à Rodrigues a décidé d'aller à Maurice pour chercher du travail. Elle a donc laissé son enfant avec sa mère pour aller travailler à Maurice. Savez-vous ce qu'on a fait, Monsieur le Président, la Commission de la Sécurité Sociale a fait ? Ils ont coupé la pension de cet enfant-là, en disant la maman n'est pas à Rodrigues, « no pension ». C'est ça « the vicious circle of poverty ». « Dimoune là coïncé, cotte li pà allé ». I will refer, Mr.

Chairperson Sir, if the Commissioner would agree or his Departmental Head, if his Departmental Head is here, kindly call me and I would give the name of the person where a girl has gone to Mauritius, has left her child with his grandmother and they have cut the child's pension. This is only one example, Mr. Chairperson Sir. Mr. Chairperson Sir, the objectives of the Bill are clear. It is a good thing to have a Rodrigues Children's Council Act. Some people misunderstand, Mr. Chairperson Sir, "ils jettent le bébé avec le bain". It is the case of the First Local Member for Baie aux Huitres as usual, who I think understands nothing in social dynamics and who spends most of the time in this House "à murmurer des aboiements, à se fâcher quand un membre de l'opposition prend la parole. Monsieur le Président, une loi est une bonne chose pour commencer, c'est très bien. Je félicite la Commissaire d'être venue de l'avant avec cette loi malgré en urgence, malgré l'absence de consultations, malgré un tout petit peu d'arrogance de sa part vis à vis de l'opposition. Nous acceptons cela et nous comprenons. Mais, Monsieur le Président, il faut œuvrer pour les enfants ne soient pas des dépendants, pour que les parents puissent satisfaire les besoins de leurs enfants. Et pour cela il leur faut un travail, une maison et des revenus décents. Et cette perspective-là commence avec des stratégies de développement soutenu, « sustainable development strategies » which Mr. Chairperson Sir, unfortunately until now, these persons on the other side lack, do not have until to-day. No coherent strategy, Mr. Chairperson Sir, to create jobs, to give hope to children so that like John Paul II said, "n'ayez pas peur". Il faut que les enfants de Rodrigues n'aient pas peur. Beaucoup ont peur. Pourquoi disent à papa, pourquoi on n'a pas une maison à nous, pourquoi on habite chez grand-mère ? Comment est-ce que papa va expliquer, Monsieur le Président, qu'il a demandé son bail depuis dix (10) ans ? Comment cette fille va expliquer à son enfant, qu'elle doit partir à Maurice et qu'on lui a coupé la pension ? C'est à toutes ces questions que moi je pense que la première tâche de ce conseil est de faire une évaluation des problèmes immédiats qui touchent les enfants et aussi des problèmes plus élargis. Pourquoi, par exemple, des enfants s'absentent de l'école ? Quelles sont les causes ? Est-ce que ce sont des causes économiques, sociales, tout cela doit être adressé. Donc je vais terminer ici en souhaitant que les amendements que nous avons proposés seront considérés d'une façon positive comme, Monsieur le Président, il serait, this side of the House thinks it would be appropriate to vote the law in its state without specifying that acceptance of donations, foreign aid should be in conformity with the provisions of the Rodrigues Regional Act necessitating the approval of Government. Mr. Chairperson Sir, the children are the future of Rodrigues and this side of the House thinks that the future of Rodrigues in the hands of those children of to-day is very bright. Thank you.

Mr. Chairperson: Yes.

The Chief Commissioner: Mr. Chairperson Sir, I move that the remaining business on to-day's order paper be exempted from the provisions of paragraph 3 of standing order 9.

Mr. Chairperson: Yes, I am afraid it comes a little late. This motion normally, according to standing order 9(3) should be made before 4. Well, nothing can be done, I am afraid. Yes, may be it is a good time to break, yes, a suspension.

The Minority Leader: Provision can be made for suspension of any standing order even those before 4. May be the Commissioner may wish to provide for even the provision which says before 4 for to-day be suspended.

Mr. Chairperson: But it is a rather complex procedure to be considered afterwards. So, I suspend the Assembly for twenty minutes.

(Suspension at 4.35 for 20 minutes)

(Resumption of proceedings at 4.55)

Mr. Chairperson: Before we resume, can I have an indication from the minority side any member will address the Assembly, I mean those who have not done so? No? I have on my list another member, the first member for Local Region No. 4, Mr. François.

Mr. François: Mr. Chairperson Sir, I'd like first to thank my colleague, Mrs. Arlette Perrine-Bégué for bringing this Bill to the Rodrigues Regional Assembly House and by doing so, she is providing new tools for new challenges. As we are living in a new era, we have to move with our times. Mr. Chairperson Sir, on behalf of the Regional Government I'd like to thank also Honourable Arianne Navarre-Marie who in March of this year has been so kind to have proposed that the National Children's Council Act 2003 be amended by the National Assembly so as to enable the Rodrigues Regional Assembly to create this Council. She has been very generous in her attitude and to have understood the spirit of team work and partnership in the context of our autonomous status.

The presentation of this Bill, Mr. Chairperson Sir, clearly indicates that this Regional Government is a government of action. We don't satisfy ourselves with organising seminars, workshops or signing documents but we take necessary measures to implement commitments taken. Mr. Chairperson Sir, the setting up of the Rodrigues Regional Council is also a way to deepen

democracy. We believe in participatory democracy. This Regional Government is aware that developing participatory democracy is not simple matter of consultation with different stakeholders of the society. That is why this Regional Government promotes democratic citizenship and understand it, expand capabilities such as free education to enable people to play a more effective role in democratic politics and the place to start democracy is with children. The Rodrigues Children's Council will surely contribute to deepen democracy. Mr. Chairperson Sir, allow me to quote the Executive Director of the United Nations Children's Fund at the close of the special session on children in May 2002 where the United Nations General Assembly pledged to build a world fit for children. "If we are to meet goal for the "world fit for children" and attain the Millennium Development Goals, if we are to change the divided, damaged conflict-ridden world by advancing the practice of democracy, if we are to make the world truly fit for all people, we ill only do so with the full participation of children and young people. Children and adolescents are resourceful citizens, capable of helping to build a better future for all." Mr. Chairperson Sir, the setting up of the Rodrigues Children's Council under this Bill is just in line with the declaration I have just mentioned – to change the world for children it with their participation.

Mr. Chairperson Sir, Article 12 of the Convention on the Rights of the Child to which the Republic of Mauritius has adhered states: "States parties shall assure the child who is capable of forming his or her views, the right to express those freely in all matters affecting them. Mr. Chairperson Sir, this Council will serve this purpose that is to promote the rights of the Rodriguan child, his interests and welfare. Monsieur le Président, j'ai souvent entendu dire, il n'est pas facile d'être parent de nos jours et c'est vrai je l'admets. Mais je dirai pour ma part qu'il n'est pas facile d'être enfant, qu'il n'est pas facile d'être adolescent car nous vivons une nouvelle époque avec le développement ultre-rapide. Monsieur le Président, avec tout le flot d'information, toutes les tentations, toutes les contre-valeurs, il devient difficile à un jeune d'avoir des repères et sans repère, on se perd. Alors commence le fléau de la drogue, de l'alcool, de la prostitution, de perte de valeurs. Aux nouveaux défis, nous avons besoin de nouveaux outils et ce conseil, où les enfants auront l'occasion de faire entendre leurs voix, aidera certainement nous les adultes à voir plus clair, à mieux comprendre leurs difficultés. Monsieur le Président, je connais beaucoup de jeunes dans plusieurs domaines qui rencontrent pas mal de difficultés là où ils évoluent et qui veulent faire entendre leurs voix pour donner leurs idées. Mais ils n'ont pas de forum, ils n'ont pas de plateforme. A travers ce conseil, ce sera l'occasion pour leur représentant de se faire entendre et construire un monde meilleur. Monsieur le Président, je voudrais terminer mon intervention avec une réflexion sur une provision de cette loi : c'est la section 5(1).

Membership of the Council opens the door « to any private individual known for his commitment towards the cause of the child welfare ». Je trouve une très grande proposition. On peut être très dévoué à la cause des enfants, avoir une expertise, mais on n'est pas dans une organisation quelconque et que la Commission ouvre la porte à ces personnes pour profiter de leur expertise est un très bon exemple de démocratie participative. Mr. Chairperson Sir, I'd like once again to thank the Commissioner, Mrs. Perrine-Bégué. This Bill provides the necessary tool but implementation will be a very big task. I wish my colleague and all the staff of her Commission "bon courage". The Regional Government is backing you.

Thank you Mr. Chairperson Sir.

The Chief Commissioner: Monsieur le Président, quand l'amendement a été apporté à l'Assemblée Nationale pour permettre à Madame Arlette Perrine-Bégué, Commissaire du Développement de l'enfant, de la famille de pouvoir venir avec le projet de loi. Vous savez, Monsieur le Président, nous avons attendu presque deux (2) ans. Il y a d'autres projets de loi que nous avons travaillés, qui ont traîné – c'est le Conseil Economique et Social de Rodrigues. Nous avons été obligés pour permettre à ce Conseil Economique et Social de voter é l'Assemblée Régionale, de l'inclure dans les amendements de la loi sur l'assemblée régionale de Rodrigues. Tout à l'heure Madame Arlette Perrine Bégué va dire, va répondre un peu à ce qui a été travaillé avec les ONGs, la société civile, tous ceux concernés depuis assez longtemps. Je voudrais aujourd'hui lui apporté notre soutien, de tout le gouvernement régional, dans la présentation de ce premier projet de loi présenté à l'Assemblée Régionale aujourd'hui. Ce premier projet de loi est la réponse à ce qui a dans la loi de l'Assemblée Régionale de Rodrigues que cette Assemblée can make laws and regulations. Et même si les honorables membres de l'autre côté viennent dire que c'est une copie de la loi de l'Assemblée Nationale de Maurice, je voudrais dire c'est ce qui fait la spécificité de cette loi parce que nous sommes dans un statut autonome et c'est ça aujourd'hui qui donne la force à ce statut autonome c'est-à-dire, de pouvoir faire des lois et des règlements. De l'autre côté, j'ai entendu dire pourquoi venir avec une loi alors qu'il y a la loi nationale. La question n'est pas là. Les lois nationales continuent dans certains cas à être appliquées à Rodrigues. On écarte pas les lois nationales. Mais dans le cas de cette loi, c'est dans les cas des spécificités de Rodrigues. Ce qui veut dire la loi nationale a autorisé l'assemblée régionale de venir avec cette loi. Et ça aussi c'est encore quelque chose ; je remercie mon collègue, Monsieur François qui justement a félicité Arianne Navarre-Marie pour cette ouverture ; cette ouverture est

l'enfant Rodriguais qui vit dans un contexte différent. Comme on voudrait pas appliquer les mêmes lois que Maurice sur Rodrigues, ce que nous avons dit pendant des années. Il faut éviter qu'on applique les mêmes lois de Maurice, d'un pays développé qui a toutes les possibilités, tout le financement à un pays qui n'a pas toutes les possibilités et qui a des financements assez restreints. Donc, Monsieur le Président, cette loi qui est un Board, qui est un Statutory Body, cette loi est l'instrument, l'institution pour permettre à toutes les organisations: les ONGs, la société civile de pouvoir vraiment donner une stratégie pour le développement de l'enfant et en parallèle la maman, la famille. Il ne faut pas à travers cette loi comprendre que l'enfant est séparé de la famille, du papa et de la maman ; mais il y aura des répercussions, il y aura tout un travail, des stratégies par apport à la famille, et à la vie sociale, culturelle de l'enfant. Quand ce projet de loi vient consolider, vient donner un pouvoir aux institutions, des ONGs ici, de la société civile de prendre en charge cette responsabilité du développement de l'enfant. C'est ça, Monsieur le Président, le partage du pouvoir. Les références au Commissaire c'est tout simplement si dans l'esprit de la loi, le Conseil des enfants ne fait pas son travail, c'est simplement pour rappeler à ce Conseil que les droits de l'enfant est tout ce qu'il faut faire parce qu'un Conseil peut dévier de certaines façons. Le Commissaire est là pour essayer de rappeler et non pas pour imposer une tendance politique en ceci ou cela, mais tout simplement pour dire à ce Conseil, vous n'êtes pas en train de faire votre travail, il faut aller beaucoup plus loin, il faut vraiment définir une stratégie. Monsieur le Président, moi je suis très content, je suis très content aujourd'hui dans cette assemblée en présentant notre premier projet de loi. Moi je pense qu'il faut applaudir (Applause). Ben, oui, il faut applaudir qu'on peut arriver aujourd'hui avec l'autonomie, après tant de combats, après avoir préparé ce projet de loi ; nous aurons pu venir même Avec le Conseil Economique et Social pour amener le Conseil Economique et Social, la société civile, les ONGs, les syndicats à participer au développement et à faire des propositions et c'est ça.

L'autre jour je reçois une lettre d'un groupe de personnes qui me disent, il faut faire ceci, il faut faire cela. Moi, j'aurais voulu que demain que ce soit le Conseil Economique et Social qui apporte sa contribution dans le développement à Rodrigues en faisant des propositions concrètes. C'est le partage démocratique, c'est-à-dire le partage de pouvoir et les responsabilités au niveau du développement d'un pays pour qu'on ne vienne pas dire et c'est ce que j'ai entendu de l'autre côté : « Pourquoi conseiller des enfants alors que la Commissaire peut tout faire ». Ce n'est pas ça que nous voulons. Nous ne voulons pas ramener à nous toutes les responsabilités. On veut les partager et permettre à l'intelligentsia, à ceux

qui ont de l'expérience dans ce pays de partager leurs expériences, leurs connaissances. Monsieur le Président, j'ai entendu beaucoup de choses et c'est vrai quand j'ai entendu Madame Meunier dire ce que rien n'a été fait, mais laissez-moi vous dire, Monsieur le Président, j'entends ici des choses un peu « en bas, la haut » comme on dit. On n'a pas parlé de pré-scolaire gratuit. Ce n'est pas ça. On a discuté encore l'autre jour avec le Ministre de l'Education. On a dit que nous allons probablement augmenter l'allocation des enfants pour permettre aux enseignants d'avoir une meilleure allocation de leurs salaires. C'est ça que j'avais dit. Quand on parle de l'éducation gratuite que nous allons gérer nous-même, c'est en train de venir. On a discuté et à toutes les possibilités de créer une institution justement qui va s'occuper entièrement de pré-scolaire avec des enfants même de trois (3) ans. Et aussi, Monsieur le Président, on a aussi parlé de femmes qui sont sujettes à une approche masculine. Laissez-moi vous dire, Monsieur le Président, que beaucoup de femmes qui sont des heads of household ont reçu des baux. Leur carte est recommandée et on peut dénombrer plus d'un millier de dames seules avec des enfants qui ont une maison, qui ont leurs terres, parmi des maisons de Trust Fund. Elles ont leurs maisons et leurs baux ou qui ont des autorisations pour construire leurs maisons. Quand on vient dire que la tendance serait masculin ; là je conteste terriblement que ce n'est pas vrai. Maintenant au sujet de la question du système d'éducation, on parle de régionalisation. J'espère qu'on va présenter le rapport bientôt. La régionalisation, c'est pourquoi nous disons que les collèges REDCO doivent être beaucoup plus stables au niveau d'enseignants et nous avons appuyé dessus avec le ministre de l'éducation et nous sommes en train de travailler pour que le RRA puisse avoir un plus grand pouvoir dans le REDCO pour permettre la stabilité au niveau des enseignants dans ce pays. C'est justement pour protéger l'enfant des enseignants qui viennent et repartent. C'est justement pour protéger l'enfant, la régionalisation veut dire meilleur collège, meilleur équipement et des enseignants stables. Et c'est ça qu'il faut justement. Quant aux écoles maternelles, Monsieur le Président, le nombre d'écoles maternelles qu'on est en train de créer avec un meilleur environnement avec le financement de l'IFAD, avec A nou deboute Ensam, des projets un peu partout et même au niveau de l'assemblée régionale. Dans ce budget de Rs 8 million pour le Community Development, nous avons amélioré l'environnement des enfants dans le primaire que ce soit les centres communautaires qui sont là à la disposition des jeunes, beaucoup plus développés, beaucoup plus équipés de livres, des computers et tout cela, ça va se faire dans ce prochain budget.

Monsieur le Président, en ce qui concerne la maternité, Monsieur le Commissaire a expliqué l'autre jour que l'on va construire a new Maternity Ward et que l'ancien Maternity Ward va être transformé en centre de

pédiatrie beaucoup plus grand où les parents vont avoir une section pour dormir, pour allaiter leurs enfants et ainsi de suite. La Commissaire la dit. Nous voulons construire un meilleur Maternity Ward et ensuite réhabiliter le Maternity Ward actuel pour faire une salle de pédiatrie beaucoup plus grand.

Maintenant le shelter à Baie aux Huitres, il y a un problème de matériaux qu'on ne trouve pas sur le marché local, donc, il faut faire venir. Le Hostel pour les enfants, on a pensé à tout ça, au lieu de les envoyer à Maurice, ça nous fait souffrir, vous n'êtes pas les seuls à souffrir, nous aussi nous avons des sentiments, qu'est-ce que vous pensez. Alors, à ce moment-là on travaille sur un Hostel pour les garçons, un pour les filles à Maréchal, au lieu de les envoyer à Maurice. Alors lé, Monsieur le Président, ces efforts qui sont en train d'être faits au niveau de l'enfance, l'environnement, la maternelle et au niveau de la nourriture dans les écoles. C'est lui qui doit voir si le beurre a expiré et est de mauvaise qualité. Il a le pouvoir de retirer ce produit, faire venir les sanitaires, c'est son rôle et il faut qu'il le fasse, c'est le management de l'école, ce n'est pas le Commissaire. Le management de l'école doit s'assurer s'il y a la sécurité ou non ; il doit voir l'environnement et ensuite, c'est comme ça qu'on travaille. Alors ils font confiance à des Rodriguais qui sont des bons managers et qui sont en train d'avoir des formations pour être des bons managers des écoles et c'est ça ce que nous souhaitons, que ce soit au niveau des collèges, que ce soit au niveau des écoles pré-primaires, que ce soit au niveau des écoles primaires, we empower our people. (Applause).

Maintenant, Monsieur le Président, il y a autre chose. Cette volonté, surtout des mères de famille, il faut travailler beaucoup plus avec les pères de famille aussi, il faut conscientiser les pères de famille sur tout ce qui arrive, formaliser et je me souviens l'année dernière quand on a fait une rencontre avec les hommes ; dans certains villages il y a des gens qui disent « pas bizin aller ». Par contre on a noté dans pas mal de villages, il y a des hommes qui sont venus, qui ont demandé encore ce genre de rencontre ; c'est ce Board là qui va se lancer là-dedans, qui va faire toute une stratégie, un plan de formation, des formations, c'est ce Board-là, ce Rodrigues Council là qui va faire tout. Alors, Monsieur le Président, il est vrai qu'il y a beaucoup de choses qui ont été dites ici, beaucoup de choses qu'on a commencé à faire.

Je félicite malgré le peu de personnel que madame a, le travail extraordinaire que son personnel fournit. Le Conseil n'est pas là pour que le gouvernement démissionne devant ses responsabilités. J'ai entendu ça de l'autre côté. Un Conseil qui est lé pour permettre au gouvernement de démissionner devant ses responsabilités, mais non ! Le gouvernement régional, la Commission de madame Perrine-Bégué va continuer son travail pour pouvoir justement faire marcher cette Commission. Et là aujourd'hui

ce conseil qui l'épauler dans ce travail. Et c'est ça la plus extraordinaire à la Commission pour que vraiment elle ne se sente pas seule avec son personnel, des personnes qui vont porter des idées et les partager. Monsieur le Président, je remercie et je félicite Madame et je suis bien content personnellement et nous tous du côté de la chambre il y a deux (2) plans qui vont venir, deux (2) plans, deux règlements qu'on est en train de préparer. Mais malheureusement la loi nous dit, il faudrait pas que nous venions avec une loi qui va contre la loi nationale. Et c'est pourquoi dans certains cas, il faudra amender la loi nationale pour permettre à l'assemblée régionale de faire ces lois. Mais je dois dire que dans les amendements apportés au Rodrigues Council, le Rodrigues Regional Assembly, il y a beaucoup de loi qu'on a inclus dedans, le Beach Allowings, le Tourism Authority et on a parlé je ne sais pas dans quelle clause de la spécificité de Rodrigues. Aujourd'hui à travers cette loi, nous votons la spécificité de Rodrigues ; nous votons ce que nous sommes, nous votons les réalités Rodriguaises, nous votons les spécificités Rodriguaises, nous votons notre culture, nous votons notre manière de travailler et c'est ça, Monsieur le Président, la loi n'est pas qu'une affaire légale, c'est aussi une affaire des personnes qui à travers leur intelligence, leurs cœurs, leurs idées, leurs stratégies de pouvoir vraiment protéger l'enfant. Tout ce qui a été dit de l'autre côté, donc il y aura des protections. Madame va répondre tout à l'heure à pas mal de points soulevés. Mais en tout cas, Monsieur le Président, nous pouvons nous féliciter de l'introduction du premier projet de loi dans ce pays et dans cette assemblée et je dois dire pourquoi l'enfant, pourquoi l'enfant ? Parce que nous naissons tous, c'est le commencement de l'humanité, c'est le commencement de l'amitié, de la fraternité et de la liberté. Et c'est tout ça justement que ce projet de loi vient célébrer.

Monsieur le Président, ce projet de loi va aller entre les mains du ministre qui va faire approuver et je dois dire que ce projet de loi a été d'abord au parquet où le parquet a visé et revisé et a donné l'autorisation pour pouvoir passer cette loi. Et ensuite ça va aller à l'assemblée nationale ; nous ne savons pas quand. Madame va dire tout à l'heure, parce qu'il y a eu une question de l'autre côté, qu'il y a eu des consultations il y a deux ans de cela, peut-être nos amis de l'autre côté n'ont pas été au courant de ça. Il y a eu toute une consultation ; ça a dormi pendant des mois et des mois et encore une fois merci à madame Arianne Navarre-Marie qui a ouvert les portes à Rodrigues pour permettre à madame Arlette Perrine-Bégué de préparer cette loi. Souhaitons que ce projet de loi va nous projeter davantage dans la protection et les droits et le développement de l'enfant – tout ce qui est dit sur les enfants va être respecté. Même si la convention a été votée dans le passé, il y a toujours des changements dans le monde au niveau développement qui vont amener des changements et il faut toujours arriver à

faire respecter, à faire protéger les droits de l'enfant. Merci beaucoup, Monsieur le Président.

Mr. Chairperson : Yes, Commissioner for Women's Affairs; any winding up?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, allow me at the very outset to express my sincere thanks to all the respected members who intervened and contributed to this debate. There have been good suggestions and excellent comments; but there has also been unfortunately a member of sad criticisms, painting sometimes very black board of the situation of children in Rodrigues. Mr. Chairperson Sir, ce qui m'a un peu affecté, je dirai au début même, c'est que je n'ai pas compris le fait que sur cinq (5) ou quatre (4) membres qui sont intervenus de l'autre côté, la plupart ne trouvaient pas l'importance de cette loi. Il y a même le membre Jabeemissar qui disait qu'autre chose peut être faite I am citing it tento, en substance « autres choses peuvent être faites, les lois ne sont pas les plus importants ». Alors je vous pose une question : qu'est-ce que se serait passé, Monsieur le Président, si ils arrivaient, s'ils été arrivés au pouvoir ? Alors, Monsieur le Président, moi je pense que la loi, comme l'a bien dit d'ailleurs, le Minority Leader, c'est que le droit justement est quelque chose de très important et qu'est-ce qui donne droit ? C'est la loi. La loi rend justement tout changement qu'on veut faire effectif. C'est à travers des institutions nouvelles et comment créer de nouvelles institutions sans apporter des amendements ou des lois nouvelles ? J'ai trouvé aussi qu'il y a eu un sentiment anti-autonomiste très profond dans la mesure où, Monsieur le Président, on a trouvé pourquoi and there has been so much stress on that ; c'est pourquoi quand il y a des lois il faut venir avec une loi locale. Monsieur le Président, c'est très important et c'est malheureux ; j'ai dit que c'est malheureux parce qu'il y a eu une nouvelle loi qui a fait de notre existence là où nous sommes aujourd'hui et qui a appelé justement la création de cette institution ici, non seulement la création de cette institution mais la création de cette structure. Alors, Monsieur le Président, si on voit pas la bienfondé de la création, d'une institution spécifique à Rodrigues parce que la première spécificité c'est dans la composition du Conseil. Le Conseil est ouvert à toutes les personnes qui oeuvrent pour les enfants à Rodrigues alors que le NCC prévoit un sous-comité avec un représentant de Rodrigues qui va siéger sur le Board. Monsieur le Président, on a lutté pour que la première loi, avant notre arrivée en 1990, le NCC, d'ailleurs la ministre l'a dit le 17 mars dernier, j'étais présente au Parlement. Elle a dit on n'avait oublié Rodrigues dans le NCC, première version ; et dans le deuxième version on n'a pas oublié Rodrigues. Qu'est-ce qui est proposé

dans cette deuxième version, Monsieur le Président ? Il est proposé que sur le Board de quinze (15) personnes, il y ait deux (2) représentants de Rodrigues et il est proposé aussi qu'il y ait un sous-comité, mais Monsieur le Président, (2) personnes sur quinze (15). Si on va porter et d'ailleurs on connaît très bien les incompréhension des personnes qui ne vivent pas les mêmes réalités. Essayez d'apporter des propositions et trouvez-vous, Monsieur le Président, si on arrive à se retrouver dans des agences nationales, on comprendra. Moi, j'ai participé dans plein de forums ; malgré toutes les bonnes intentions, Monsieur le Président, des fois c'est assez difficile de se faire comprendre parce que on ne comprend pas comment est-ce que ça peut être comme ça ici à Rodrigues et alors qu'ailleurs, c'est différent, Et dans le domaine des enfants, c'est encore plus différent ici et je vais dire pourquoi.

Monsieur le Président, je dois dire que je suis contente moi du stand à 90% du changement de la minorité sur cet aspect, Monsieur le Président. J'ai ajouté, Monsieur le Président, plus de 10% pourquoi ? Parce que je crois que c'est un virage terrible. Ce n'est pas 180, c'est même plus, c'est bien, c'est bon de se ressaisir, Monsieur le Président, c'est bon the summing up of the minority who was not bad in the sense « qu'on peut toujours réaliser, qu'on peut toujours critiquer mais finalement on se rend compte qu'il y a des personnes qui regardent, qu'il y a des personnes qui sont là, qu'il y a des personnes qui ont œuvré et que si quelque part, Monsieur le Président, on est en train de dire que rien ne va, rien n'est fait et qu'il y a des centaines des personnes qui ont eu des reconnaissances internationales, nationales pour ce qui est fait pour les enfants à Rodrigues. D'ailleurs, ce n'est pas que la Commission, c'est toute la société, parce que qu'on parle des enfants, on parle « at private level », on parle « at national level ». Et, Monsieur le Président, quand on dit ça, on sait qu'on est tous responsable vis-à-vis de notre avenir, donc de nos enfants. Et je trouve que pour quatre (4) personnes sur le reste, cette loi n'a pas, et c'était clair, cette loi n'a pas sa raison d'être et du côté de la minorité et pour le chef de la minorité, cette loi est importante du moins au nom des enfants. Monsieur le Président, laissez-moi dire que c'est cruel en tout cas en ce qui me concerne, Monsieur le Président, je voudrais dire très clairement que c'est cruel de parler d'électoratisme quand on parle de l'avenir d'un enfant. Dans sa vie on passe, comme le dit si bien Shakespeare. Et ne mélangeons pas les pinceaux, Monsieur le Président, quand on parle de l'avenir des enfants, on ne vient pas ici avec des hidden agendas. Et de toute façon, de par les différentes consultations qu'on a eues et aussi de tous les scrutins que le ministère a pris et demandé à son conseiller légal, le gouvernement central à travers le SLO, so many queries that we have had et même le legal draftman qui a été critiqué. Ici, Monsieur le Président, je reviendrai sur ce point. Il y

a eu, Monsieur le Président, beaucoup de contacts ou des legal scrutinies on this aspect avant de venir dire qu'il y a un hidden agenda. What sort of hidden agenda can we have when we are talking of local instruments to help the promotion. Yes, one of the objectives is to fit international, national and local objectives. What we are creating to-day is a local tool and it is a local instrument and this is what I am referring here, Mr. Chairperson Sir. When we are putting down an instrument for the sake of our children, we cannot have hidden agendas. Monsieur le Président, le chef Commissaire a parlé de l'urgence. C'est lui qui est venu avec un certificat d'urgence au nom du gouvernement régional. Why urgency ? Monsieur le Président, j'ai devant moi deux (2) copies de vetting venant du SLO. Urgency pourquoi ? Parce que nous le gouvernement régional, nous considérons que nous avons fait depuis très longtemps notre part. Cette loi est prête depuis juin 2003 et les différentes communications que nous avons envoyées aux autorités concernées le prouvent. Cette lettre date de juin 2003. Et toutes personnes, les officiers qui sont ici mais aussi les représentants des institutions qui s'occupent des enfants le savent bien. On a eu toutes les consultations qu'il fallait à cet effet. Pourquoi on considère que c'est urgent ? C'est parce que this law has gone through all procedures and was ready to be introduced, Alors pourquoi attendre qu'il y ait une nouvelle législation pour introduire cette loi alors que c'est prêt, Monsieur le Président et que qu'on est capable, on a les moyens pour pouvoir le présenter ? Il y a eu un premier vetting qui nous est arrivé le 20 novembre, 2003. Ecoutez bien, Monsieur le Président. Ce premier vetting qui nous arrive de l'Assistant Solicitor General signant pour le Solicitor General. Il fait référence à notre lettre déposée avec le raft Bill au SLO le 10 octobre, 2003. Donc cette loi est déposée au State Law office et il nous répond le 20 novembre, 2003. Et dans cette lettre il nous réfère justement à toute cette explication que j'avais donnée au départ du Second Reading où je disais que malgré les pouvoirs, il y a un certain nombre de préambules qui doivent être respectés et qui ne dépend pas de nous. Monsieur le Président, c'est très facile de l'autre côté de la chambre de dire « qu'avez-vous fait ? » Ce que nous avons fait c'est d'avoir été prêts et d'avoir démarré avec ce projet de loi depuis 2002 et d'avoir été prêts en 2003 et même au premier trimestre 2003, Monsieur le Président. Ça c'est le premier ruling et le deuxième, Monsieur le Président, est arrivé après le vote d'amendement du NCC le 17 mars dernier tout simplement. Et maintenant le SLO disait bien, maintenant que le NCC a été amendé, vous pouvez aller de l'avant pour passer votre loi. Mr. Chairperson Sir, I have no objection as regards the tabling of these documents. Monsieur le Président, il y a eu des critiques qui ont été faites à mon égard auxquelles je voudrais répondre rapidement. Il y a des critiques qui sont vraiment très insignifiantes. Monsieur le Président, power of Commissioner criticised in this Bill. In

fact, Mr. Chairperson Sir, nomination powers as you look at it in the Statutory Bodies. J'ai été dans le National Women's Council. J'ai été dans un certain nombre de Statutory Bodies et j'ai comparé depuis tous ces débats. Les deux Statutory Bodies Local et National auxquels on faisait référence dans le NCC Bill. Et je viens dire pourquoi moi je pense qu'au contraire on a été plus démocratique avec le Rodrigues Children Council Bill comparé au NCC. Monsieur le Président, je réfère les membres de section 8 of the NCC Act, 2003. vous avez vu que le Conseil ne délègue qu'à quinze (15) personnes qui sont nommées, more or less, because representatives of the government of Mauritius ; for 15 persons, il y a seulement trois (3) représentants qui sont élus par les organisations d'enfant ; seulement trois (3) sur le Board, Monsieur le Président, et je vous réfère à la même section équivalent chez nous en ce qui concerne le Rodrigues Children's Council. Et vous allez voir, Monsieur le Président – le Board, la section 8, Monsieur le Président, vous allez voir que cinq sur douze personnes sont élus. Sur douze (12) membres au Board, il n'y a que six (6) qui sont nommés par la Commission responsable. Et parmi les six, il y a quatre personnes, regardez 8(1) e four members including representatives of the private sector and trade unions appointed by the Commissioner. Et pourquoi? Le secteur privé, on aurait pu le mettre comme venant de lui-même. Et vous savez que le secteur privé on a eu de longues discussions avec les ONGs à ce sujet. Le secteur privé n'est pas organisé comme à Maurice, Monsieur le Président. Alors si on dit, à ce moment-là, qui va venir exactement. Et c'est pour ça que c'est préférable, on a trouvé ensemble avec le legal draftman la solution é ensemble avec le legal draftman la solution était d'innover de telle manière à ce que they can rotate on the Board. Mais juste après la section 8(2) dit clairement quelles sont ces personnes qui peuvent être nommées sur le Board. Ce n'est pas n'importe qui « out of the blue who can come here ». People who have proven ability and experience dans le sujet qui concerne la protection des enfants. Regardez finalement quel est le pouvoir du Commissaire ? A part d'être Chairperson qui est normal on all Statutory Bodies. Ensuite il doit y avoir quelqu'un de ma Commission puisque finalement this is a delegation , this is a sharing parce que cette plateforme est une des consultations où les enfants, à travers leurs organisations mais aussi à travers les sous-comités qu'ils peuvent créer parce qu'il est dit dans cette loi « the Council and the Board peuvent faire tous les sous-comités qu'ils veulent. Nous avons eu des sous-comités qui sont avec les ONGs d'enfants. Il faut dire qu'au niveau international il y a deux courants de pensée ; je dois même dire qu'à l'époque où le NCC était revu il y avait de grandes discussions sinon plus entre le ministère de l'enfant et également l'UNICEF à cette époque parce qu'il y a deux courants de pensée. L'enfant qui vient, Monsieur le Président, sur le Board, il a moins de 18 ans. Donc, il

ne peut pas voter, ensuite...c'est pourquoi nous à Rodrigues toutes les discussions qu'on a eu avec les ONGs, il était compris que ce sont les représentants d'enfants qui vont venir parler au nom des enfants. Mais la loi, aujourd'hui permet aussi aux organismes de faire autant des sous-comités surtout to make sure that the views of the children are being secured. Ça c'est très important. D'ailleurs dans toutes les choses qu'on a faites, le 20 décembre par exemple, Monsieur le Président, chaque 20 décembre nous faisons plein d'activités pour les enfants et sous la varangue de l'administration, on a réuni les enfants, Monsieur le Président, donc on s'est parlé, on a discuté ; il y a plein de campagnes ; les enfants sont constamment consultés. Venir dire qu'ils ne sont pas consultés, c'est pas correcte. Alors c'est ça que je dis. Quand on dit ça, alors, il est clair que c'est très démocratique, à comparer tout est nommé sur le Board de Maurice. Si c'est clair, Monsieur le Président, que la Commissaire est en relief malgré que c'est elle qui finalement répondra devant la loi, devant le parlement, ici sur n'importe quoi qui sera fait au nom des enfants dans cette île Rodrigues. Alors, Monsieur le Président, je voudrais aussi dire, je voudrais également référer parce qu'il a été critiqué ici. On parle de la Commissaire qui donne des general guidelines. Je pense que c'est bon pour vous de regarder un peu all the delegated legislation car on a grandement critiqué cela. Look at section 21, Powers of the Minister dans le NCC. C'est exactement ce qui a été mis et ça a été longuement critiqué. Monsieur le Président, on disait que la Commissaire est en train de « superseding, having top powers, this is not true. » Monsieur le Président, moi je trouve que c'est très important. We have been assigned responsibility, all of us, and the Commissioners here have to answer for the different responsibilities that they have and as such you have to make sure that whenever powers have been delegated to any institution created by us, we must be able to scrutinise, to see whether it is going along the lines of what we have created. Alors, Monsieur le Président, il y a eu cette grande inquiétude des membres de la minorité qui disait why not remain with NCC. Monsieur le Président, je disais tout à l'heure, deux personnes sur quinze représentent Rodrigues et en plus, en 1990 et moi je ne suis pas sourde, Monsieur le Président, on a bien entendu. D'ailleurs the Hansard va témoigner de ça. Pourquoi, Monsieur Le Président, est-ce qu'il faut créer une nouvelle loi, pourquoi ne pas garder la loi nationale. Est-ce que le NCC n'a pas donné tous les moyens. Moi je dis : non, ça n'a pas donné tous les moyens, pourquoi je dis ça ? Ici à Rodrigues, Monsieur le Président, a whole Council with illimited members. Toutes les personnes qui veulent se faire membre de ce Conseil.

Chief Commissioner: I'd like if the Commissioner could resume the debate without interruptions, please. Thank you.

Mr. Chairperson: The point of order is taken; there is no need for my ruling because interruptions from a sitting position is not allowed in the Assembly. This is very unparliamentary and I think the members will abide by these principles. This is sacrosanct in every House of parliament. Yes, proceed, please.

Commissioner Perrine-Bégué: Monsieur le Président, je n'aurais pas le temps de répondre à toutes les interrogations qui ont été soulevées malheureusement, mais c'est ça que je disais je voudrais poser cette question ici. Est-ce qu'on sait que le budget du NCC à Maurice est plus que le budget de la Commission de l'enfant ? Est-ce qu'on le sait, Monsieur le Président ? Mais qu'a fait le NCC pour Rodrigues ? Rien. Il a lutté en 2003 pour qu'il ait au moins 2 représentants de Rodrigues sur le nouveau NCC. C'est pour ça que je disais, Monsieur le Président, qu'attendre que les lois nationales fassent provision pour nous et que les lois sont écrites et que finalement parce que, Monsieur le Président, bien souvent ces national Boards quand ils sont institués, bien des fois, après le budget, on est obligé nous de casser notre budget. Savez-vous que les deux représentants se retrouvent payés le billet d'avion, etc. Monsieur le Président, je suis bien contente que non seulement on soit représenté sur le National Board par un membre d'un NGO et aussi par un officier de ma Commission. Je suis contente aussi, Monsieur le Président, que nous ayons créé notre loi – nous ne pouvons pas créer un sous-comité par le NCC – on lui donnait un rapport après une année – mais que nous ayons des sous-comités actifs ici et que nous ayons un Board, que nous ayons un Conseil qui soit propre à Rodrigues avec toutes les personnes de Rodrigues ici. Alors moi, je souris quand j'ai entendu quelque chose d'insensé, total nonsense, Monsieur le Président, quand on a parlé – et c'est monsieur Jabeemissar, le même respected member qui avait dit – il aurait préféré, Monsieur le Président, que la première autonomie soit une loi qui donne l'autonomie à l'éducation. Monsieur le Président, est-ce qu'on sait ici, members of the other side of the House, the administration of éducation, s'il y a quelque chose à faire ici, Monsieur le Président, des deux côtés de la chambre, je ne minimise pas l'importance de cette administration de l'éducation, mais s'il y a nécessité ce n'est pas naturellement, c'est eux qui sont en train de mettre la charrue devant les bœufs. Ce sont eux ; pourquoi je dis ça ? C'est parce que d'après moi, Monsieur le Président, we should fight all for us ici to have policy of education. Then you can give autonomy. You give autonomy to what? Mr. Chairperson Sir, we we only have as area of responsibility, education and we cannot come here for our first law being the autonomy of education. Il faut bien penser. On voit bien qu'il y a certaines personnes qui ne sont pas dans l'autonomie et ça c'est mal, Monsieur le Président. C'est mal on enter le public et quand souvent

on vient sur des plateformes pour parler, on est en train de dérouter les gens. Monsieur le Président, ce qui m'a fait encore mal dans ces discussions, dans le débat, c'est cette insulte faite aux ONGs. Monsieur le Président, si on est en train, cette insulte, je le dis bien, Monsieur le Président, voilà pourquoi certains d'entre eux on dit « nous partons ». Pourquoi Monsieur le Président, parce que je crois que de ne pas croire que les ONGs de Rodrigues peuvent être responsables. Pensant que le NCC « bizin rester, RCC bizin pas exister », Monsieur le Président, est une insulte à l'autonomie et une insulte à toutes ces personnes qui fonctionnent. Préférer que 2 personne sur quinze représentants de Rodrigues plutôt qu'un Conseil avec des membres illimités représentant les enfants de Rodrigues avec un Board dirigé par des Rodriguais. Monsieur le Président !

Mr. Chairperson : Order, please, order, please. If there is a member on his feet, he is taking the time of the House with his speech, he should be allowed to express himself. You don't want me to take the time of this Assembly. But you continue to flout the Standing Orders. What do you want me to do? And a member can only rise to interrupt another member if, only if there is a point of order or secondly if a member is willing to give specific explanations. These are the only two (2) circumstances. And when you rise you should address the Chair. You put it clearly on a point of order so that I can decide immediately without further ado.

The Minority Leader: On a point of order, Mr. Chairperson Sir, Standing Order 24, I wish to be granted on behalf of the minority the permission to make a personal explanation. Being given the severe allegations which are being made towards all the members of the minority regarding that matter that we have said there is no need for a RCC Bill and that we should continue with the Council in Mauritius because this statement by the Commissioner is false, malicious and misleading. This is not what we have said and what we have been explaining. I want to have the permission to explain.

Mr. Chairperson: Yes, proceed. Yes, what is your request?

The minority Leader: Under Order 24, to be allowed to make a personal explanation on behalf of this side of the House.

Mr. Chairperson: Yes, of course you will be given permission but it's not by interrupting a member. If you have a reading of Standing Order 35(ii). I mentioned there are only two (2) circumstances. The second one is to elucidate some matter raised by the member during the course of his speech

provided that a member speaking is willing to give way. Of course, if you want to elucidate, I don't even need to expatiate on this. It's dear; you want to elucidate some matter, but a personal explanation, this is something else. Of course, you will be given an opportunity to do that but after the speech, yes, after the speech. But if you want to elucidate a matter, no problem.

Commissioner Perrine-Bégué: Monsieur le Président, Il y a beaucoup de fois où les membres qui ont parlé de cette loi pensent que ce sera une baguette magique. We haven't said so, Mr. Chairperson Sir, on n'a jamais dit cela. Au contraire cette loi démontre notre désir de prendre le taureau par les cornes et d'aller de l'avant. Monsieur le Président, beaucoup a été fait et au niveau de l'éducation parentale. Alors moi je voudrais dire que il y a un membre, notamment le Minority Leader qui disait, il n'a jamais entendu une campagne qui a été faites sur des sujets qui touchent à l'avortement et autres. Monsieur le Président, l'éducation parentale est une référence à la région. L'Afrique devait venir à travers la DEA, une organisation internationale pour consulter les personnes que vous voyez ici sur notre approche à l'éducation parentale. D'ailleurs notre invitation à aller à Paris pour présenter le modèle rodriguais était justement sur l'éducation parentale, Monsieur le Président. Alors venir dire qu'on ne fait rien pour encadrer les parents sur les problèmes qu'ils ont et je voudrais aussi souligner, Monsieur le Président, cette grande activité qu'on a faite où l'école de Citron Donis était en vogue d'ailleurs, où on avait discuté entre les vieux. On a fait un panel vieux et jeunes pour des discussions intergénérationnelles plusieurs fois, Monsieur le Président, et les écoles avaient été invitées et je me rappelle au Senior Citizens Centre où une étudiante en Business Studies à Grande Montagne avait parlé longuement de la façon dont elle voit l'évolution de ce generation gap entre les vieux et les jeunes. Monsieur le Président, cela veut dire qu'ici, et c'est bien dommage car souvent ils sont invités but they are not présent, paid but not to do the duty. Donc, ce qui veut dire, Monsieur le Président, qu'on n'est pas au courant et quand on cause, on cause « sous vide » et c'est ça qui est « sous vide », Monsieur le Président, et non pas le projet de loi sur l'enfant. Ce sont les commentaires faits ici qui sont « sous vide ». Et d'ailleurs, s'il y a un reproche à faire puisque nous on agit, c'est peut-être la presse qui ne réagit pas. En tout cas, Monsieur le Président, pour ceux qui ne viennent pas mais qui sont invités et qui prennent la place des autres et qui ont une politique de chaise vide, c'est le public, Monsieur le Président, qui jugera et nous on avance et on avance sur bien des chantiers et bien des choses ont été faites. Partout de la santé, c'est un modèle pour Rodrigues, Monsieur le Président. Savez-vous que le gouvernement de Maurice a repris le modèle d'agence scolaire produit ici par les institutions locales ? Savez-vous, Monsieur le Président, que ce

projet sera répliqué dans les écoles, sinon déjà fait gouvernemental, Monsieur le Président mais c'est parce que dans le domaine de l'enfance on pense, on réfléchit et on agit, alors sont-ils déjà au courant de ces choses ou bien faut-il toujours venir peindre avec le pinceau noir qui est toujours mis dans une boîte de peinture noire. Monsieur le Président, on le sait très bien. La peinture noire elle couvre tout. C'est clair, Monsieur le Président, et j'aimerais le dire ici, ces deux références montrent très clairement que naturellement des fois il pleut, mais il y a des intermittences. Il y a le soleil bien souvent et comme avait dit si bien mon collègue, Monsieur Lisette for Youth & Sports, chaque fois qu'on relève quelqu'un, chaque fois qu'on l'encadre, chaque fois qu'on le soutient et naturellement dans ces problèmes-là, Monsieur le Président, il y a beaucoup de privé. Il y a beaucoup de choses, où on ne peut pas aller se taper l'estomac et dire « je l'ai fait » parce que on respecte ces gens. On sait que ces gens-là, demandent justement, Monsieur le Président, à être respectés, à être gardés dans l'anonymat. On est là pour aider socialement les gens et ce n'est pas ces choses-là qu'on peut publier, Monsieur le Président. Ce qu'on sait, c'est ce qu'on bouge. On bouge beaucoup. Et même le Minority Leader disait tout à l'heure-là, Monsieur le Président, tout est fait sous vide. Monsieur le Président, savez-vous que quand on est dans le domaine communautaire pour améliorer la vie de la communauté Anou Diboute Ensam, Trust Fund, IFAD avec le concours du gouvernement naturellement, surtout pour IFAD et le Trust Fund le gouvernement social, on a fait plus de 20 kilomètres de Track Road. Qui en bénéficie, naturellement toute l'économie et le social. Et ces enfants qui vont à l'école. A l'époque où nous, on allait à l'école avec des chaussures mouillées tous les jours, marchant dans la boue attachant les chaussures avec du plastique. Qui le font aujourd'hui ? Demandez aux enfants, c'est de moins en moins de misère. Mais comme on le dit si bien, si le gouvernement mauricien, peut importe qui il était, because we are talking of the government of the day, whoever it was, en 36, en 37 ans d'existence après plus de deux décennies ont installé des instruments nationaux comme le NCC. Chez nous après 2 ans d'autonomie on l'a mis sur pied, Monsieur le Président. Est-ce que c'est dire, Monsieur le Président, qu'on n'est pas en train de bouger. Non, je ne suis pas d'accord, comme j'ai dit, il y a des écoles pré-primaires qui ont été améliorées, il y a la mobilisation communautaire, l'esprit de la débrouillardise, toutes ces informations passent, Monsieur le Président. Et je voudrais dire toute cette sensibilisation qu'on a faite et je me souviens, Monsieur le Président, certains articles qui critiquaient cette initiative, mais nous on croit que chaque membre de la famille a son rôle à jouer. Et moi je pense que quand les hommes prendront davantage de responsabilité au sein de la famille, c'est une société nouvelle qui revivra et bien de ces problèmes dont on accuse le gouvernement, se

départiront d'eux même ; finiront d'eux même. Le membre respecté, Monsieur Agathe a parlé de Umbrella NGO Co-ordination. Monsieur le Président, savez-vous que le Kite Club de Maurice was only recently instituted et que chez nous à Rodrigues on avait dit non avant l'arrivée de notre autonomie, d'ailleurs ce sont les ONGs qui se sont tenus debout pour dire nos ONGs à nous existent ; qui plus est on est, un modèle. D'ailleurs, Monsieur le Président, on a dirigé la grande ONG dans ce coin du monde à Paris. Alors c'est pour dire que pourquoi nous garder sous le Umbrella NGO from Mauritius, the NCC. We have the RCC that must be set up here, Mr. Chairperson Sir, to co-ordinate the activities of all these NGOs that are working so hard and since long for Rodrigues. Monsieur le Président, alors je voudrais aussi dire un petit mot concernant les psychologies. I have elaborated on this subject when I explained that in Government, even in Mauritius they have only some two (2) psychologists. I am talking, Mr. Chairperson Sir, because there are many strangers here and they may think that information has not been given in this House. Mr. Chairperson Sir, you will recall, I said that we have the will to recruit psychologists. But unfortunately the salary given to professionals in government does not attract them. That is why et raison de plus ce Statutory Body on children to be set up, parce que the Statutory Body peut mettre les salaires qu'ils veulent pour attirer ces psychologies. Pas besoin de passer par les mécanismes gouvernementaux. Monsieur le Président, vous allez voir aussi que nous mettons l'accent beaucoup sur teenage preganncy. J'ai répondu ici, Monsieur le Président, et j'avais donnés les statistiques. Le Minority Leader a commenté et a retenu les personnes en dessous de 16 ans qui ont eu des enfants. Mais il faut se rappeler en dessous de 18 ans il a donné les statistiques. Mais nous on a fourni et nous avons déposé ces documents ici for children below the age of 16. C'est ça qui est le plus préoccupant parce que n'oublions pas que la loi permet à une personne de se marier à 16 ans justement. C'est under 16 qui devons être concernés. Parce que ça pourrait être des personnes mariées en dessous de 18 ans mais au delà de 16 ans ou à partir de 16 ans. Toutes ces campagnes qu'on a faits, mais en plus de cela, dans le budget cette année, on a mis une somme pour une étude spécifique sur teenage pregnancies. Il faut dire, Monsieur le Président, que dans bien des pays de la région, je lisais un livre il y a de cela, quand j'étais journaliste, une dizaine d'années sur la Guyane où le taux de fertilité chez les jeunes est immense même pas comparable à Rodrigues, Monsieur le Président. Alors chez nous c'est un problème, on l'admet. Qui en est responsable ? La société toute entière – all the stakeholders. C'est à nous tous, le gouvernement d'abord de prendre des mesures et nous démarrons avec les mesures à partir de cette année. Il y a eu des discussions, Monsieur le Président, sur ce que le minority a dit qu'il y a une certaine arrogance. Il

n'y a pas eu des discussions, ni des consultations. Moi, j'ai un papier sous la main, écrit justement par des officiers qui énumèrent les fois où il y a des rencontres. Comme je dis cette loi est prête. C'est prior to drafting of the law que nous devons faire des consultations. Alors moi, je pense qu'avec les représentants d'enfants, nous avons eu un minimum de cinq (5) consultations mais il y a eu une grande remontée en février 2003 à laquelle étaient conviés également les membres de l'opposition, Monsieur le Président, et tous les responsables des organisations d'enfants et également la ACE, le CDE, les scouts, carrefour ; les collèges, le Students' Council. D'ailleurs une petite fille, je m'en souviens, Casimir qui vient des Champs, Montagne Goyave qui était intervenue longuement. C'était une élève d'un collège REDCO qui représentait le Student Council où en tout cas une délégation d'enfants de cette institution et elle avait longuement parlé sur la question de grossesses précoces et l'importance d'instituer justement le Rodrigues Children's Council. Donc, moi je dois dire qu'il y a eu une vaste consultation. En tout cas quand on a eu le vetting du State Law Office, avant même d'aller demander l'accord du Executive Council jeudi dernier, mercredi dernier pendant une demi-journée, on a travaillé dans mon bureau avec les représentants des ONGs pour nous rappeler, parce que la vie va vite, et cette loi a été déposée depuis un certain moment, on est repassé sur cette loi, et on a travaillé ensemble, Monsieur le Président, pour nous remémorer nos engagements pour aller de l'avant avec cette institution de co-ordination et de consultation. Monsieur le Président, un tout petit mot ; je vais pas pouvoir tout dire ; il y a eu des allégations qui ont été faites ici, plusieurs fois pour dire qu'en ce qui concerne une fille violée, ma Commission n'a rien fait. Dans ce cas qui est mentionné, Monsieur le Président, cette fille a rencontré le psychologue ici à Rodrigues et ses services sont payés par ma Commission. Cette personne a été encadrée, Monsieur le Président. Elle a été également conseillée par le Child Welfare Officer. Monsieur le Président, j'ai répondu à la question où cette personne habitait parce que c'était le choix de ses parents de la retirer de son milieu comme on dit, nous ne pouvons pas être une police et entrer dans la maison des gens à n'importe quel moment. C'est seulement when we have grounds to think, et c'est en deuxième recours qu'on le fait tout le temps, parce qu'un gouvernement doit respecter les droits des gens. Il y a d'abord les droits, the Human Rights approach is very important, Mr. Chairperson Sir, children have parents. Ce sont les parents qui d'abord doivent montrer qu'ils peuvent prendre des responsabilités. Quand après les enfants sont en dehors du contrôle de leurs parents, à ce moment-là, la Commission entre comme une organisation qui garantit les droits, qui garantit la protection des enfants et c'est ce que nous avons fait. Monsieur le Président, il y a une grave allégation qui a été faite à mon égard ici pour parler de la fermeture du Child Protection Unit. Ce unit,

qui au départ, avant l'autonomie était ouvert, il y a une année juste avant, d'ailleurs à Maurice, ils avaient ouvert 2 ou 3 ans avant. Monsieur le Président, il y avait deux (2) personnes : une policière et une autre personne qui avaient été recrutées par le National Women Council. Monsieur le Président, de ces deux personnes l'une avait soumis sa démission au terme de son contrat. Elle ne voulait malgré notre demande revenir. Monsieur le Président, et la deuxième étant une policière a décidé de retourner à la police pour travailler in the newly set up police – s'il y a des allégations, Monsieur le Président, je vois si c'est very false allegation, on a cité le ICE, le ex-ICE, soi-disant qui avait fait tous ces efforts pour que la personne reste. Monsieur le Président, I am challenging this information and at the same time, Monsieur le Président, je le dis tout de suite, the ex-ICE can come and prove, I will stand, Mr. Chairperson Sir, in front of any type of allegation of this sort, Mr. Chairperson Sir. Peut-être derrière son dos on est en train de dire des choses ou alors qu'il a effectivement dit ; mais, Monsieur le Président, de telles lâchetés moi je ne réponds pas, parce que moi je suis sûre, Monsieur le Président, qu'on a tout fait au contraire pour avoir des gens pour travailler dans ce Child Protection Unit. Et les papiers de ma Commissions témoignent du nombre de fois où on a soulevé la question au Conseil, on a soulevé la question également au niveau du public service in Rodrigues. When are we going to be able to recruit ? On a même parlé à un certain moment – recruitment of anybody who wishes by CFA, ce qui est permis d'après les PSC Regulations. Faire de telles allégations is very cheap et je trouve ça très blessant. Je ne suis pas d'accord et je réfute ces allégations, Monsieur le Président. Monsieur le Président, dans l'intervention de Mme. Meunier, elle a beaucoup parlé de Appeal. Elle a parlé que c'est le Commissaire qui décide. Monsieur le Président, au contraire, I think that we have been fairer than the NCC. Why I say that? It is because we give a second recourse to the person who is going to be put at fault. Monsieur le Président, à Maurice il peut y avoir quelque chose. E n'est pas ça ; le Board décide de mettre une personne dehors, mais finalement on donne à cette personne qui d'après les critères pour devenir membre aurait proven ability and experience. Alors cette personne a une deuxième chance de pouvoir faire appel à une autre autorité, Monsieur le Président. Ce n'est pas pareil oui c'est à une personne, mais là-bas, c'est le Board qui décide unilatéralement de mettre cette personne dehors. Il y a une différence, Monsieur le Président. It is a second recourse. It is an appeal. Mais naturellement si la personne, le Board ayant décidé de la mettre dehors et que la Commissaire finalement trouve que d'après – naturellement les gens doivent déposer pour expliquer pourquoi ceci, cela, etc. Et puis finalement, il y a encore legal recourse. On peut toujours aller à la cour suprême ; on peut toujours dire « eh bien, on m'a mis dehors, la

Commissaire n'a pas trouvé bon et malgré que j'ai fait appel, mais on peut toujours aller ». Monsieur le Président, il n'y a rien de undemocratic. Au contraire, ça n'a pas été une copie conforme comme on le dit. C'est que je trouve drôle, Monsieur le Président, c'est que quand on parle de sous-comité ici, lorsque retire sous-comité d'enfants et quand laisse la discrétion au Conseil représentant un nombre illimité de professionnels et de personnes qui gèrent les affaires des enfants de décider de mettre autant de sous-comités pour les enfants, on dit « c'est un outrage. La NCC le prévoit, on ne le fait pas. » Et puis ensuite on prévoit un appel. La personne peut faire appel ; là on dit d'une part « c'est une copie conforme » et puis d'autre part on dit « on ne comprend pas les nouvelles dispositions qu'on a prévues dans cette loi. » Which is which ? Mr. Chairperson Sir, I am here to defend this law parce qu'on a mis beaucoup de temps dedans, beaucoup d'amour et on a pensé aussi que nos enfants ont les droits d'avoir the best instrument to defend the rights and to promote their development. Monsieur le Président, on a parlé "juste voyager". Let me recall how the Minority Leader was so happy when he was invited to voyager to go for the SIDS Convention. Monsieur le Président, il a fait une déclaration ici et il était content et nous étions contents pour lui. Pourquoi pas ? Monsieur le Président, when you are looking now at real politics, you will see that to-day "parliamentary sovereignty" no more exists. Tout est passé, Monsieur le Président. On ne peut plus parler de « parliamentary sovereignty ». Quelque part, pourquoi ? Parce que aujourd'hui des agences comme le OMC. L'Organisation Mondiale DU Commerce qui dirige tout et des agences pareilles, Monsieur le Président, aujourd'hui quand vous n'allez pas à la SADC, quand vous ne connaissez pas ce qui se passe dans les grands blocs comme le COMESA, etc, quand vous n'êtes pas dans le COI, quand vous n'avez aucun représentant dans ces organisations, Monsieur le Président, believe me you are out of touch. If people have chosen that we may represent them, let us talk to the trips that we made. I made one trip on early childhood to present the parental model in France. Then I accompanied the Minister in Morocco once and once in Madagascar. That's all. These trips en deux ans et demi. Monsieur le Président, je voudrais dire qu'à chaque fois que je téléphone à Maurice pour parler à la ministre, she is away defending the causes of Mauritians and rarely are members questioning. So, if we want to be in the real politics, if we really want, Mr. Chairperson Sir, to be in the places where decisions are taken, why are we questioning. At the same time, people are going on internet now and they are seeing the pre-requisites for this and that and at the same time, they do not want the representatives of Rodrigues to be represented there. They should be represented and should voice out, Mr. Chairperson Sir, what they want to voice out for Rodrigues to be heard because to-day le monde est un village global. If you don't know

what it is, look at what Mauritius has been doing recently, Mr. Chairperson Sir, Rs 80 million for the NPCA to go abroad and talk about Mauritius for all – the other measures to come into force.

So, when we are invited, and most of the time the trips, everything is paid by these persons who are inviting us. We see, c'est un crime de lèse majesté. Monsieur le Président, moi je dis que ceux qui ne connaissent pas les réalités de la politique d'aujourd'hui et ceux qui ne croit pas dans....

(Interruptions)

Mr. Chairperson : Order, please. What is it that the Minority Leader even permitted himself to treat somebody as “sauvage” in this Assembly? I heard both. I am giving a warning and committee it as a last warning.

Chief Commissioner: Mr. Chairperson, Sir, I apologise. Yes, please continue.

Commissioner Perrine-Bégué: I just want to conclude on this issue, Mr. Chairperson Sir, just to say that those who do not want us to be where the interests of Rodrigues should be, are committing, ils sont en train de commettre les erreurs de lèse autonomie, Monsieur le Président. Mr. Chairperson Sir, this Bill is a very ambitious one and is also up to the expectations of the targeted group, that is, our children. En disant cela j'ai en mémoire les slogans du passé; d'ailleurs le Minority Leader joins me in this issue when he talked about when he was a member of these children organisations. J'ai en mémoire les slogans du passé dans ma prime jeunesse qui comportent les défis qui ont marqués bien des générations rodriguaises, des slogans, propre à nous, à Rodrigues, Monsieur le Président, des slogans d'organisations d'enfants. Moi je me rappelle quand on était venu lutter, il y a de cela – j'avais cinq (5) ou six (6) ans pour avoir le transport plus régulier. Zenfants pas trop petits en slogan, amène to ti grain du sel, c'est des slogans à nous ça, des slogans rodriguais. This is to say, Mr. Chairperson Sir, as the stronger power of advocacy in the name of the Rodriguan children is, it is the same power of advocacy in the name of children which was instrumented in Rodrigues becoming the head of an international agency for children based in Paris through Antoinette Prudence. Mr. Chairperson Sir, when the Children's Associations in Rodrigues decided to convene all the candidates to the first regional assembly as king us to precise what each party had in store in its manifesto for children. Children also appealed to us to have a representative in the autonomous institution that was to be created after election. They certainly

had in mind a Commission devoted to Child Welfare. Monsieur le Président, avec l'autonomie ils ont en deux institutions pour le prix d'une – une Commission et un conseil d'enfants. I would like to put on record UNICEF's presence during the last decade in Rodrigues with which we have had consultation and all financial support for the drafting of this law and for all its contribution for the betterment of our children. Let us also thank our NGO partners, la Comité des Droits de l'Enfant, Action Catholique pour les Enfants, Centre Carrefour, Associations des Ecoles Maternelles, Police Family Protection Service, the medical authorities, education, staff of my Commission who have all aimed towards realisation of the Bill. Special thanks to the Chief Commissioner who stood by me throughout. I recall that he accompanied to the Seeneevassen Building to meet the Solicitor General at the State Law Office last year trying to convince the latter of the necessity for Rodrigues to kick off its legislative calendar. My thanks also go to my colleagues of the Executive Council for their continuous support and agreement for this Bill to be introduced in this House. Our heartfelt thanks go to the Prime Minister and the Minister for Child Development to have been instrumental in this day's event. A special thank for the Assistant Solicitor General, Mr. Bhaukaurally and his colleagues for having gone through the various drafts of this Bill and given their final vetting. A special word also for the legal draftman of this Bill, the former Mr. Justice, Robert Ahnee. In fact, it is Justice Robert Ahnee who drafted this Bill. The event of the day, Mr. Chairperson Sir, does not just reflect our children but is very significant for the autonomy of our island and for the spirit of our parent law, the Rodrigues Regional Assembly Act. One of the functions of the Assembly is to pass law, cette étape est franchie aujourd'hui ouvrant la voie à d'autres lois, et par la même donnant le coup d'envoi au programme législatif de Rodrigues. Monsieur le Président, the process of legislation in the Rodrigues Regional Assembly starts to-day. The wheels of the powers of the autonomy of Rodrigues have turned a full circle. Tous les recoins de la loi ayant maintenant été arpentés. We hope that this Bill will get through the national assembly to be enacted and eventually proclaimed before the dissolution of the National Assembly as according to section 46 of the Constitution the Chief Commissioner will not submit the Bill to the Cabinet through the Minister for Rodrigues. Monsieur le Président, il y a un adage, qui dit que la vérité sort de la bouche des enfants. D'une certaine manière aujourd'hui, ce que l'esprit de la loi avait prévu sur le pouvoir de l'autonomie est venu des enfants. May the opinion of our children be always heard and considered.

Thank you, Mr. Chairperson Sir.

Mr. Chairperson: There was a point of explanation made earlier by the Minority Leader. I want to know whether you insist on it. Yes, you can do so now.

The Minority Leader: Yes, thank you, first of all the question that I have been invited to the SIDS conference. Yes, I was invited to the SIDS conference by the Prime Minister. What has been the support given to me. Nothing has been paid to me by you, by the Rodrigues Regional Assembly – not even.

Commissioner Perrine-Bégué: Mr. Chairperson Sir.

Mr. Chairperson: Please wait, there is a point of order.

Commissioner Perrine-Bégué: It was not on this point that special leave was to be granted to the Minority. It was on the fact that the Minority Leader was to give specific and not cause for debate, Mr. Chairperson Sir, on the question of whether they are for or against the institution of the RCC. Thank you.

Mr. Chairperson: Yes, of course I have it vaguely. But personal explanation is not another opportunity to open the debate or to have another bite at the cherry. Personal explanation, of course, if something has been misunderstood from your speech, you can rise. But I will not leave it in the way the Commissioner for Women's Affairs has dealt with it. But you have to restrict yourself to what you said and has been misunderstood. Thank you.

The Minority Leader: And I believe this part has been misunderstood because I would like “de préciser, je voudrais rappeler aux membres, une réunion qu’il a eu en 2003, je crois avec le Premier Ministre à sa résidence, avec les ONGs justement, avec le Premier Ministre. J’avais pas la parole malgré que je suis dans l’opposition pour demander que dans la perspective de la conférence SIDS qui allaient avoir lieu en décembre à Maurice et que finalement a eu lieu en janvier que des Rodriguais puissent participer dans cette conférence et dans sa sagesse le Premier Ministre a très bien rappelé que c’était moi qui avais proposé que des Rodriguais participent et c’est pour cela qu’il a invité un membre de l’opposition – il devait inviter deux (2) membres de l’opposition. On m’avait informé ; le chef de Cabinet m’avait dit « vous allez être invités à deux ». Et quand on nous a dit que vous serez un seul quand la décision est arrivée à Rodrigues. Quand je suis parti là-bas c’est sur l’invitation du Premier Ministre. Pourquoi on m’a

critiqué d'avoir voyagé ? C'est le Clerk de l'assemblée qui a payé mon billet. Je suis allé habiter chez quelqu'un là-bas. Je suis pas allé dans un hotel moi.

The Chief Commissioner: Mr. Chairperson Sir.

Mr. Chairperson: Please wait.

The Chief Commissioner: Madam said that you also "vous avez voyage", that's all. She did not debate on anything else. On the other side they said "on voyage", so she said "on a aussi voyage", that's all, giving explanations.

Mr. Chairperson: Please wait, I want to know whether you mention that you travelled in your speech. No, if it is not you, sorry you may cover it very briefly but you can't open the door.

The Minority Leader: Yes, Monsieur le Président, quelle est la personnalité de la Commissaire, j'ai pas compris, je comprends pas. C'est une femme quand je la regarde, je comprends qu'elle est sage ; elle est responsable. Je ne comprends pas comment moi je lui ai dit, tout le monde a affirmé que nous ne sommes pas contre le Rodrigues Children's Council Bill et on l'a dit. Elle continue à affirmé que nous sommes contre. Comment il faut expliquer que this side of the House which I represent is fully for this Bill. But as an opposition we are not here to just, any bill which comes, o.k we agree. We have to debate. It is our job. We are paid for that. We have to put our views and in putting our views, there may be some apprehensions, some detail with which we disagree. Like we have said, the power of the Commissioner, the sole power to decide upon appeals against suspension of members in the Council. So, Mr. Chairperson Sir, I would like, once more than the Commissioner puts in her mind very clearly that we are for this Bill, of course' and we don't think that the Act in Mauritius which is in Mauritius should apply to Rodrigues because people in Mauritius, they don't think about Rodrigues when they take decisions, they forget about Rodrigues. It's good to have this that the Committee which was to be set in the Act of Mauritius be abolished. So, it is not fair, it is very pitiful from the part of a woman.

Mr. Chairperson: Please wait, you are on a point of explanation. Of course I give you some latitude. Try to understand our Standing Orders. You can't cast allegation when you are explaining yourself.

The Minority Leader: I am not making allegations, Mr. Chairperson Sir, I am just saying that especially as a woman, I am saying specially as a woman.

Mr. Chairperson: Don't repeat it, please.

The Minority Leader: Who supposedly should be more sensible to such issues of understanding man. She must understand once more and put it in her mind that we are for this Bill but there are provisions with which we disagree and that at Committee Stage, I have said we are going to propose. Because there has been an attempt by all the members of the other side as if we are against children, we don't want this Bill to be introduced, we are against NGOs, etc, etc. This is completely false; and repeatedly we have been accused.

Mr. Chairperson: Yes, please, you've made your point. You'll debate on it again.

The minority Leader: I'll finish here; we have been accused of not promoting the interest of children. This is false; I wish to reassure the Commissioner that we are for the Bill but we – nous sommes pas d'accord avec la façon don't ça a été introduit et le fait qu'il n'y ait pas eu assez de consultation. Donc, je souhaiterais que dans les débats qui suivent qu'elle comprenne très bien que nous sommes pour le Bill et que tout ce qui va suivre, Monsieur le Président...

Mr. Chairperson: You are repeating yourself.

The Minority Leader: Tout ce qui va suivre from this side of the House will be a positive attitude. Thank you.

Mr. Chairperson: Yes, let's move.

Mr. Jabeemissar: On a point of personal explanation.

Mr. Chairperson: Can you bring my mind to what you said?

Mr. Jabeemissar: The Commissioner.....

Mr. Chairperson: No, what you said? If you don't want to explain yourself. What did you say?

Mr. Jabeemissar: On the Bill?

Mr. Chairperson: Yes, what you said has been taken ambiguously.

Mr. Jabeemissar: Yes, what has been misinterpreted by the Commissioner.

Mr. Chairperson: On what point?

Mr. Jabeemissar: The point about the importance of the NCC. Right because before the passing of the present Bill, we have to abide by the NCC which has been misunderstood.

Mr. Chairperson: Yes, the brief on this point, please.

Mr. Jabeemissar: Yes, I'll be brief. Before the presentation of this Bill, I have said that the NCC provides us with many opportunities to defend the children's rights in Rodrigues. I have got evidence of many cases where children's rights are not being looked after by the Commissioner responsible. In so doing she had the perception that I had been anti-autonomy. This is what she said, o.k? I also stated that what I was saying may be misperceived by certain people and this is what she did. She misunderstood my perception because I defended all the way through the cause of the children in my speech.

Mr. Chairperson: Yes, may we move to. Yes, Chief Commissioner, anything.

The Chief Commissioner: Mr. Chairperson Sir, I am applying for your permission under Standing Order 25 (9) so as to make a motion without notice.

Mr. Chairperson: What you mean is Standing Order 25(9). Yes, permission granted.

The Chief Commissioner: Mr. Chairperson Sir, further to your permission under Standing Order 9(3) in order to think all the remaining business on the to-day's Order Paper be proceeded with even beyond 7 o'clock.

Mr. Chairperson: Yes, question "that Standing Order 9(3) be suspended so that the remaining business on the Order Paper be proceeded

with beyond 7 o'clock". Those who are in favour say "Aye", those who are against say "No". The ayes have it. Next item.

The Clerk: Committee Stage.

Clause 1: Short title

Clause 2: Interpretation

Clause 3: Establishment of the Rodrigues Children's Council

Mr. Chairperson: Yes, proceed.

The Clerk: Clause 4: Objects of the Council

Mr. Grandcourt: Yes.

Mr. Chairperson: You want to address, please wait. Question; that clauses 1, 2, 3 stand part of the Bill? Those in favour say "Aye", those against say "No". The "Ayes" have it. We now move to clause 4.

Mr. Grandcourt: Clause 4(K). To establish contacts with organisations outside Rodrigues. Who is responsible to establish contacts with other organisations outside Rodrigues?

Mr. Chairperson: Yes?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, the Council, its Board can like many other organisations in Mauritius establish contacts with for example, organisations like UNICEF, ADEA, etc, etc and that is what is meant here and we have contacted our legal draftman in the course of the debate and Former Justice Ahnee has said that he does not see any problem as regards this provision as it gives more power to the Council to find money where it can get it, thank you.

Mr. Chairperson: Mr. Chairperson Sir, the same provision 4(K) "establishes contacts with organisations engaged in similar type of activities outside Rodrigues", I'd like to know whether in the view of the Bill, "outside Rodrigues" means what?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, outside Rodrigues means regional, national and international. As I said we have here all organisations that are engaged in similar type of activities that is, all these objects, that is, only the objects that are cited in the draft law.

Mrs. Meunier: Clause 4 still, I'd like to propose an amendment, an additional sub-clause (m).

Mr. Chairperson: Yes, you move to amend clause 4 by adding (m) – to

Mrs. Meunier: Yes, by adding (m).

Mr. Chairperson: “to recommend to the Commissioner and any authority or organization engaged in the welfare of children measures to eradicate poverty in regions that have been declared by national policy as being very poor”.

(Mr. Agathe seconds the motion)

Mr. Chairperson: Have you finished. Any member to support, any explanation? No. Yes, Commissioner for Women's Affairs.

Commissioner Perrine-Bégué: Yes, Mr. Chairperson Sir, as far as I can recall, there have been at least two (2) reports or studies that have been made “Rodrigues as a poor region within the Republic of Mauritius”. But all of us have always been saying. In all regions of Rodrigues there are some poor people. I don't think there are any region, however, which is inhabited by poor people only. That's why I think, Mr. Chairperson Sir, it's best we remain with broad objectives and the same mechanisms, the same activities for children wherever they are. It's best than to have specific poor regions and may be that would be also stigmatise les enfants se trouvant dans ces regions-là.

Mr. Chairperson: So, you are against the amendment? Yes, any other person to intervene, no? Question that the following sub clause to be added to clause 4 as item (m) that is, to recommend to the Commissioner and any authority or organization engaged in the welfare of children measures to eradicate poverty in regions that have been declared by national policy as being very poor”. Those in favour say “Aye”, those against say “No”. The “Ayes” have it. Anything on clause 4, no?

Mr. Agathe: Clause 4, I propose that not only the objectives of the Council but also the functions.

Mr. Chairperson: Yes, please, what is it that you want to amend, to add or subtract?

Mr. Agathe: I want to add, yes.

Mr. Chairperson: Can you be clearer. Do we wait for you? O.k. Question: that clause 4 forms part of the Bill, those in favour say “Aye”, those against say “No”. The “Ayes” have it.

The Clerk: Clause 5 – Membership of the Council.

Mr. Chairperson: Yes?

Mr. Grandcourt: Clause 5(5) – “Any member may resign from the Council by giving to the Council notice in writing of his intention to do so”. I would like to know the notice as regards the resignation of the member. Will it have immediate effect, first of all, what is normally the time frame and what will happen if the member has not paid his subscription fee before the 30th June?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, as regards resigning, I think that if the member does not wish to sit on the Council, as soon as his letter is reviewed, naturally it takes immediate effect. But at the forthcoming meeting the member will not be invited. This is one. As regards the subscription fee, we have discussed lengthily on that and we think that the organization may not have even the money that the Council may fix in its internal regulations. So we have thought that the subscription fee may not have an impact on the proceedings or election, c’est-à-dire les membres qu’ils paient ou qu’ils ne paient pas garderont tous leurs droits.

Mr. Grandcourt: C’est-à-dire que le membre en personne ne paie pas de subscription fee, ce membre-là peut à tout moment se désister du Council, c’est exact.

Commissioner Perrine-Bégué: Non, au contraire.

Mr. Grandcourt: Non, si la personne n’a pas payé de subscription fee, il peut démissionner n’importe quand, ça n’aura pas d’effet.

Mr. Emilien : Clause 5(6). It is mentioned that every member organisation shall nominate an individual who shall represent it on the Council. I’d like to know whether the Council will accept anybody nominated by the organisation.

Commissioner Perrine-Bégué: Yes, I think so, Mr. Chairperson Sir, it is clear here because there is no other letter that is put after the full stop in the sense that the organisation will naturally send.... There has been a clause to that in that these organisations must effectively be concerned with children and may not be in politics, etc. If they respect all the criteria, naturally the person will be faceless, it is the representation that is important.

Mr. Jabeemissar: If we go a little backward to 5(2)(b)(1) – I want to have a clear explanation of that part?

Commissioner Perrine-Bégué: Alors i lest dit ici qu’après considération de l’application le Board peut donner ou refuser l’application quand le Board est satisfait que le postulant is not a resident of Rodrigues. C’est-à-dire, what is meant here is that to become a full member, that person must be somebody who is domiciled in Rodrigues because if he is not that person may be co-opted and be asked to come at any time to give knowledgeable information. But that person will not have the same rights to vote as a full-fledged member. I think we are here talking of a full-fledge membership of the Council.

The Minority Leader: Mr. Chairperson Sir, we have asked for the different certificates that have been realised from the SLO, we have not found them on the table yet. I’d like to ask why? Pourquoi? On a dit after considering the application, the Board may refuse the application if the Board is satisfied is not a resident of Rodrigues. Why is it that the definition of resident is not in the interpretation. But this can open the way to-morrow to confusion. There are people who live in Rodrigues and in Mauritius also. The Commissioner says “domiciled” the person may have two domiciles. The domicile is in Mauritius and another is in Rodrigues. The Council refuses by saying that person is not a resident. I’d like to know why “Resident” is not defined in the interpretation. “Resident” means, it should be specified in this law because otherwise we open the door to confusion because we have had in village committees, for example, there have been confusion. In Grand Baie, for example, who is a resident. Does somebody who has a campement in Grand Baie a resident whereas he spends most of his time in Mauritius? There is need to define “resident” in this Act.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, as I said, to become a member any organization or any individual person must fit a number of criteria to become a member. It is clear that this organisation is for Rodrigues. If the person is not concerned with matters, issues which are related to children here, unlike a person who is residing in Rodrigues, that is,

like we say, “if the person is residing in Rodrigues, we take it according to the literal interpretation. When we say we reside in Rodrigues, c’est que la personne est domiciliée, elle vit, he is living in Rodrigues. And I think we should take into consideration why we put this aspect here. The Council is illimited and specific but for the Council members, these persons must be relevant to becoming members of the Council. And these persons must conform to the criteria and among others live in Rodrigues and knowing the situation of Rodrigues.

The Minority Leader: This means, Mr. Chairperson Sir, if express provision is made for Rodrigues, residents of Rodrigues only, how will the Commissioner allow under section 10(3) to co-opt members without voting rights, resource persons, if these persons are not residents of Rodrigues? And we know that most resource persons come abroad, from Mauritius, international organisations; therefore, we are closing the door to these persons to be co-opted on the Rodrigues Children’s Council if they are not residents, but resource persons. How would you co-opt them then as members.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, we should duplicate – on ne doit pas dire que le Conseil, c’est le Board. Le Board est une autre institution et dans ce Board, il n’est pas précisé. It is only for members of the Council. As regards the Board, prenez, par exemple le Board Membership, vous allez voir le Board Membership, on peut co-opter des personnes from the private sectors « qui ne sont pas des membres et ce private sector persons peuvent être domiciliées ici et là-bas. There is no problem for that. It is only for those who will decide. Because we shall have five (5) persons elected from the Council and these persons must really know what they are talking about when they are going to convince the Council on activities and on projects on projects. But the Board may be anybody, the Board members, the Chairperson, for example, we have restricted that person from coming. But we hope that it will be somebody from Rodrigues, of course and also as regards private sector members, professionals, on a laissé une porte ouverte. Il y a quatre (4) personnes qu’on peut nommer et parmi il y a de la place pour deux professionnels sur le Board and these professionals are not members of the Council. These professionals are members of the Board. And this is different. Only the Director is the secretary of the Council and at the same time les cinq (5) membres élus, ce sont ces personnes-là qui viennent du Conseil sur le Board; en mettant “resident” c’est pour s’assurer que les personnes qui ne connaissent pas du tout Rodrigues parlent au nom des enfants.

Mr. Chairperson: You are still on caluse 5, please proceed.

Mr. Agathe: Mr. Chairperson Sir, I want to know from the Commissioner – Refuse the application where the Board is satisfied that the applicant is a political party or association, I want more clarification on this.

Commissioner Perrine-Bégué: Si le postulant is the political wing of a political party or political association, naturellement ça va créer des problèmes. But an enquiry must be made. Le Conseil se compose des personnes qui sont sur le terrain. Je pense que naturellement ils vont voir entre eux. Le Board doit pouvoir trnacher dessus, call for people to talk on that. Oui je le pense.

Mr. Grandcourt: Non, c'est que je ne comprends pas, on va faire des enquires. L'île est tellement petite et on connaît presque tout le monde. Il y a deux grands partis à Rodrigues. Soit c'est l'un, soit c'est l'autre. C'est facile de savoir. Donc, la personne va tomber soit dans le parti X ou bien parti Y. Comment on va la définir é ce moment-là, ça va être difficile. Oui ça va être difficile, Monsieur le Président, chaque personne à une opinion ; pour certains c'est visible, pour d'autre peut-être moins. C'est vrai que peut-être la majorité, c'est un peu plus visible, mais c'est comme ça. Mais il y a une différence entre avoir une opinion, participer à une organisation massive publique et s'engager très activement en politique. Je pense que c'est sur cette nuance que si on est très impliqué et visiblement où les gens peuvent tout de suite catégoriser ou porter des pavillons, etc. Là, ça peut porter préjudice au Conseil. Mais je ne pense pas qu'on va entrer dans l'opinion des gens. Ce n'est pas recommandé.

Mr. Agathe: An association is a registered body which is affected to the Registrar of Associations in order to.....

Mr. Chairperson: It is a very strict meaning. Can be larger than this legally.

Mr. Agathe: No, according to law, what we know is that an association is something which is registered with the Registrar. Here, we have the word association, it must be more precise.

Mr. Chairperson: Yes, any response?

Commissioner Perrine-Bégué: Yesm ambigu because of party or association, but vous vous trompez, you know what is a political party? A

political party c'est une association d'idées. La base même; un parti politique est une association – the basics. Et de toute façon, un parti aujourd'hui là, d'après les lois électorales peut se faire enregistrer ou pas comme une association avec des règles rigides. Et même pour les organisations d'enfants, c'est pas tout le monde qui veut se faire enregistrer parce que à ce jour, on n'a pas « we have not reached a level of development, c'est plutôt, aller se compliquer la vie. So at a point in time, these organisations, they will get registered et elles peuvent suivre leurs règlements. D'ailleurs le RCSS peut le dire ce que toutes ces organisations communautaires ont pris leur temps avant de se faire enregistrer parce que ça c'est compliqué, il faut respecter les lois chaque fin d'année, chaque date, etc. At a point in time in our development, people would get registered, all of them. But for the time being, it is cautious, not to ask for strict parce qu'on va voir que des remotes organisations of children will not get into this council.

Mr. Chairperson: Yes, proceed.

Mr. Agathe: I propose that the word association be amended, to be deleted.

Mr. Chairperson: yes, no debate on this? Yes, question; that the word association in Clause 5(2)(b)(iii) be deleted. Those in favour say “Aye”, those against say “No”. The “Nos” have it.

Clause 6: Expulsion or suspension of members of the Council.

The Minority Leader: Mr. Chairperson Sir, it is more than 7.00 p.m. According to Standing Order 9(6) should apply.

Mr. Chairperson: Standing Order 9(6) – well you raise it at Committee Stage it should have been in the Assembly. There is a suspension of Standing Order 9(3). This means that business shall not be interrupted. And the resolution of the House is that Standing Order 9(3) be suspended and that's not all...and that the remaining business of the House be proceeded with even beyond 7.00 o'clock. This is the import of the motion. So.

The Minority Leader: The motion was the suspension of Standing Order 9(3).

Mr. Chairperson: And there is a resolution that the business be proceeded with.

The Minority Leader: No, there was just a motion for the suspension of the Assembly.

Mr. Chairperson: No.

The Minority Leader: Standing Order 9(3) still applies.

Mr. Chairperson: No, because the resolution is that we suspend....I agree with you but this is a sort of way that we have 2 provisions which may speak similar. But you will find that the practice at the National Assembly it is only this order which is normally. Yes, I don't have a typical example. It is only Standing Order 10(2) of the National Assembly's Standing Orders and Rules which are being suspended and Standing Order 10(2) is the same as our Standing Order 9(3). We are at Clause 6.

Mr. Emilien: Clause 6(3) if I am right the duration of a mandate of the Council would be 2 years. But here it is said if a member has failed to attend meetings of the Council for a period of 2 years or has not paid the subscription fee specified in section 5(3) for a period of 2 years, this member may be given notice of cancellation of membership. I believe if the mandate is for 2 years, we can't wait for two (2) years arrears etc for the suspension of the member. It will be too easy for the member to come and sit on the Council not paying for the two years and then be automatically suspended.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, it is the Board members for 2 years but not the Council. The Council Still remains. It is only the Board members "qui ne vont pas devenir membres à nouveau après 2 ans. Mais members of the Council, they will be eternal members if they respect all the rules, whatever Board there is. Parce que après 2 ans ça veut dire tous les membres are no more in the Council? It is members of the Council. The Council's members remain. The Council is always there with all members and professionals. No, but as I said you have to consider the fact that the law requires that they meet between July and September, at least in one (1) general meeting. So, if they do not attend a single meeting, remove them. This is not good. May be at least once during a year. Naturally, a responsible Board and Council will meet as many times as they deem necessary but the law is lenient – at least once yearly they should be present pour voir tout ce qu'ils recommandent au Board, etc. Si une fois ils

ne sont pas venus to an annual meeting, that's why if the next year they do not come, they can be taken to task.

Mr. Emilien: Mr. Chairperson Sir, is it normal to wait for 2 years and then to suspend the member, I think it's too long.

Commissioner Perrine-Bégué: There will be internal regulations for the Council itself after this Bill is hopefully enacted. There will be internal regulation for the running of the institution. And we have seen in the section that no elections or proceedings of the Council shall be affected by the fact that any member in arrears, dans la section 5(4) – re-payment of his subscription fee may have voted at the election and has taken part in the proceedings. Ce qu'on voudrait, ce qu'on se dit qu'on est à un niveau très bas. We have just started our move and right from the start, we would not like to be rigid because we cannot know. There may be an organisation that, for one reason or another, cannot raise funds or they would prefer to use their money, for example, the little money that they may have raised to look after children in their vicinity, etc. Naturally, when you are a member you will feel ill at ease if you are not paying etc. We'd rather leave it to sort of common sense instead of forcing them to pay.

Mr. Agathe: Yes, the Council may meet at least once a year. The members of the Council may become members of the same committees also. So, for failing to attend meetings for two (2) years, there is something wrong. I move to amend.

Mr. Chairperson: You move to amend where.

Mr. Agathe: 6(1)(c)(i) – fail to attend meetings of the Council.

Mr. Chairperson: What is it that you want to amend? Which words you want to add or subtract.

Mr. Agathe: Two (2) years to be replaced by one (1) year.

Mr. Chairperson: Question: that the number one (1) be substituted for two (2) in clause 6(1)(c)(i). Those in favour say "Aye", those against say "No". The "Noes" have it.

Mr. Grandcourt: Let's move back to clause 6(b) – "is engaged in activities incompatible with the promotion of child welfare". Can she

explain or define the word incompatible because we think there may be no parameters – no specific definition of what she means.

Commissioner Perrine-Bégué: Je vais donner un exemple si par exemple un membre du conseil est engagé dans la prostitution ou bien, par exemple, est en train de faire une activité qui a un negative bearing sur le moral aussi, dans ce cas cette personne-là naturellement il faudra la retirer.

Mr. Grandcourt: Si par exemple la personne après avoir été admise dans le Council, on voit la personne avec un pavillon mauve, rouge au bord de la rue, qu'est-ce qu'on fait à ce moment-là. Est-ce que là on doit prendre ça en considération. Est-ce que c'est compatible ?

Commissioner Perrine-Bégué: No, it speaks for itself in clause 5(2)(b)(ii) and (iii). C'est clair, naturellement la personne ne doit pas être engage activement dans la politique.

Mr. Jabeemissar: Il arrive que des fois les personnes sont engagées dans des activités, par exemple, comme la vente d'alcool, l'importation d'alcool, de cigarettes qui sont contre. Il arrive que des gens pareils s'engagent dans des activités comme ci pour faire valoir leurs produits. Il faut que ce soit explicit.

Commissioner Perrine-Bégué: If we view the objectives of the Council, c'est qu'on doit protéger les droits des enfants. Naturellement dans leur sagesse, le Conseil et le Board devront savoir s'ils sont utilisés à des causes qui finalement auront des effets boomerang sur les enfants. Si c'est quelqu'un qui est un importateur dans son activité économique et qu'il vient là parce que à côté il fait une activité des enfants comme n'importe qui d'entre nous peut faire, il n'y a pas de problème parce que en lui-même, s'il n'y a pas d'abus n'est pas un problème mais si par exemple on est en train d'utiliser l'alcool comme une publicité en utilisant la plateforme, naturally members should draw the attention in general meetings to these activities because these organisations are very strong and I am confident of their judgments on these issues.

Mr. Emilien: Je voudrais savoir, qu'est-ce qui se passerait si un membre au Conseil se fait arrêter durant la durée de son mandat pour, par exemple, un délit de pédophilie ou de vente de drogue, qu'est-ce qui se passerait ?

Commissioner Perrine-Bégué: See section 6(b) – incompatible with the promotion of child welfare. I think this is clear.

Mr. Chairperson: Question: that clause 6 stands part of the Bill. Those in favour say “Aye”, those against say “No”. The “Ayes” have it.

The Clerk: Clause 7: Meeting of the Council.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I have an amendment.

Mr. Chairperson: Which clause, please?

Commissioner Perrine-Bégué: It’s clause 7(ii).

Mr. Chairperson: Your motion, please.

Commissioner Perrine-Bégué: I move that the word “proceeding” be deleted and removed by the word “proceedings”. This was a typing error.

Mr. Chairperson: Question: that the word “proceedings” be substituted for the word “proceeding” in clause 7(ii). Those in favour say “Aye”, those against say “No”. The Ayes have it.
Question: That clause 7 forms part of the Bill, those I favour say “Aye”, those against say “No”. The Ayes have it.

The Clerk: Clause 8: The Rodrigues Children’s Council Board.

Mr. Chairperson: Nothing? Next clause.

The Clerk: Clause 9: Functions of the Board.

Mr. Agathe: Clause 8.

Mr. Chairperson: Please, why so slow?

The Chief Commissioner: We are on Clause 9.

Mr. Chairperson: There is no point of order. I agree with you but the question has not been so, the member would have been debarred from addressing the Committee on it. Yes, you want to address clause.

Mr. Agathe: Yes, clause 8(i)(a) – I want to include.

Mr Chairperson: You want to include or amend?

Mr. Agathe: To amend: A Chairperson approved by the Commissioner who still hold office for a period of two (2) years and be eligible for re-appointment for only another term of two (2) years.

Mr. Chairperson: Have it clearer; you want to add this part where?

Mr. Agathe: After the word “Commissioner”.

Mr. Chairperson: You want to add after the word “Commissioner”.

Mr. Agathe: “who” shall hold office for a period of two years and who shall be eligible for re-appointment for only another term of two years.

Mr. Chairperson: Question: that the following words be added after the word :Commissioner” in clause 8(i)(a):who shall hold office for a period of two years and who shall be eligible for re-appointment for only another term of two years. Those I favour say “Aye”, those against say “No”. The Noes have it.

Question: that clause 8 stands part of the Bill. Those I favour say “Aye”, those against say “No”. The Ayes have it.

The Clerk: Clause 9: Functions of the Board.

Mr. Chairperson: Question: that Clause 9 stands part of the Bill. Those I favour say “Aye”, those against say “No”. The Ayes have it.

The Clerk: Clause 10: Powers of the Board.

Mr. Chairperson: Question: that clause 10 stands part of the Bill, those I favour say “Aye”, those against say “No”. The Ayes have it.

The Clerk: Clause 11: Powers of the Board.

Mr. Chairperson: Question: that Clause 11 stands part of the Bill. Those I favour say “Aye”, those against say “No”. The Ayes have it.

The Minority Leader: Reading a clause, for example, 11, we have not even had the time to turn the page and the clause has been voted. This is not fair. I was on clause 8, 9. I had even had the opportunity to turn the

page. This is an infringement of our rights. This is the first Bill, it should be done at a proper pace. Nobody, personne n'est pressé ici.

Mr. Chairperson: You say it is an infringement to your rights. Which rights you mean?

The Minority Leader: Our rights to participate in the debate on the motion, to propose amendments.

Mr. Chairperson: Of course, I can't wait for five (5) minutes for you to exercise your rights. I said nothing, if you had anything to say, you just stop me.

The Minority Leader: Why are you getting angry?

Mr. Chairperson: You can't say I am infringing your rights when this is not so.

The Minority Leader: I did not say you, I mean the Assembly because I told you I did not...

Mr. Chairperson: I said nothing; you want to add something or you want to think you say yes and I stop.

The Minority Leader: How can I say yes when the page has not been turned? Am I a magician?

Mr. Chairperson: I am not concerned with your pace. I am concerned with clauses here; if you have something on the clause, you first say "yes".

The Minority Leader: It is unfair to go rapidly, Mr. Chairperson Sir.

Mr. Chairperson: Yes, if you want to go slowly....

The Minority Leader: On n'est pas dans l'espace ici. We take our time.

Mr. Chairperson: Yes, of course. Now you say so.

The Minority Leader: You don't have to be angry with me. We are gentlemen here. Don't get angry with me. I am not getting angry with you.

Mr. Chairperson: Question: that Clause 9 stands part of the Bill. Those I favour say “Aye”, those against say “No”. The Ayes have it.

Mr. Chairperson: I don’t have to get angry with anybody but if something is splashed at the Chair, in a meeting of the Committee or in the Assembly, you should be very fair in your comments.

Mr. Agathe: With your permission I want to add one part to part (a).

Mr. Chairperson: Which clause, please?

Mr. Agathe: Clause 8.

Mr. Chairperson: No, it is too late.

The Clerk: Clause 12 – Director.

The Minority Leader: Yes, clause 12 – Director: there is nothing as regards the qualifications of the Director because I believe the Director of such a body should at least hold professional qualifications of a certain level. We would, for example, have a Director who would not be able to at least draft a report or to represent the Council in any meeting or any function effectively.

Commissioner Perrine-Bégué: I’d like to give an explanation, Mr. Chairperson Sir. We will not rigidify the law by giving all the precise qualifications. Mais naturellement, je comprends les préoccupations du Minority Leader et je pense que all statutory bodies are governed by the PRB also. So that the Director must meet a number of qualifications, a level of knowledge to be able to be called a Director, first of all.

The Minority Leader: In this case Mr. Chairperson Sir, in the scale of the PRB which scale it is going to be?

Commissioner Perrine-Bégué: I know that there is a salary scale and not PRB scale. There are PRB titles, etc, etc. So I cannot be precise about the detail of the PRB. But we will cross the bridge when we’ll come to it and naturally we will abide by all the laws, rules and regulations that concern statutory bodies, recruitment, etc.

The Minority Leader: Can she explain, Mr. Chairperson Sir, public funds being used and the office of the Director will be an officer of the

Council. Can we know why is it that it is the Commissioner who approves? Why not open the post to the public for recruitment by public advertisement?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, we approve the terms and conditions of the recruitment of the Director like it is done in all the statutory bodies, les organisations publiques. But I am not going to approve the person of the Director. This is totally out of order. Naturally there will be an advertisement for the person on the terms and conditions that have been approved by the Commissioner meaning that the Commissioner will refer to laws that are in force in the country.

Mr. Chairperson: Anything else? Nothing? Yes, that clause 12 stands part of the Bill, those in favour say “Aye”, those against say “No”. The “Ayes” have it.

The Clerk: Clause 13 – Other Employees.

Mr. Grandcourt: Clause 13(i), the Board may, with the Commissioner’s approval, employ such other employees as may be necessary for the proper discharge of its functions. Can we know the average number of employees to be employed by the Board?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, it will all depend on the development, capacity of the Council and its Board. At the beginning naturally they will start with may be a small staff. It will also depend on the funds that are available. But first of all, I think, they will have a skeleton to at least start their first activities. But slowly and surely, they will improve and put flesh like we are doing here in the RRA. We are not going to jump quickly because it will depend on resources. Now, why is it said that the Commissioner’s approval is required. It is because finally the estimates must come to the Executive Council for approval through the Commissioner. The government must engage itself through resources. So, we cannot let the Council go like this and advertise for so many staffs that they will not be able to pay. This is the reason why there must be the Commissioner’s approval “pour la prudence” and the Commissioner herself or himself will have to be guided by the staff around – the financial staff etc of the whole Executive Council.

The Minority Leader: What will be the status of the employees?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I think that these employees will have more or less the same status as the person in the MBC or things like that. They will be people paid under the Statutory Bodies' laws and regulations.

The Minority Leader: What is the need in Rodrigues, a small island, to have such a small body, to have its whole set of employees for which it will have to provide for their retirement, pensions, etc. This will put much stress on the fairness of the Council in the long term.

Commissioner Perrine-Bégué: But like we say, Mr. Chairperson Sir, this is the first statutory body that Rodrigues is creating. Naturally, it depends on government. In Mauritius we have tens and thousands of them. In Rodrigues we have only the first one. But I think for causes like children or whatever causes that we think we are creating something worthwhile, we must put the price and we must be able to hold the price of it and I should not just let ourselves consider only financial constraints. We must cut our clothes according to our cloth. Mais on va porter des visières because of financial constraints. On doit se donner des moyens de pouvoir lutter en faveur des enfants ou n'importe quelle autre cause dont on pense qu'elle est juste.

The Minority Leader: You may not be here to bear the costs in the long term. What about the possibility? One apprehension is that the Board has less able employees, less qualified, less motivated and high rate of rotation. Because qualified people will go there, may be because they don't have a job. When they find a job in government, in the public service, which is more secure with better conditions, they will move there. For example, if you have a clerk or typist at the Board and posts of typists or clerks in the government are advertised, they will move. There will be a problem of rotation each time. How do you propose to deal with this because the scale of salaries will be the same.

Commissioner Perrine-Bégué: I have been an employee of a parastatal body with a Board and under an act and I am in a position to say that people there are very paid. So, if they are government by the same type of regulations, I think there are a number of advantages that people in parastatal bodies do have, quand on retire le côté sécurité. Because when we look at administrative reforms that are going on at present, we know that the question of security of tenure in government is no longer something on which we will count. This also is changing and quite rapidly.

The Minority Leader: Mr. Chairperson Sir, the long term? The experience of the Commissioner being well paid in a parastatal is her experience. It is not a general observation. She has been very lucky. What about the possibility of providing that the employees be first of all under the Board but the employees of the Regional Assembly.

Commissioner Perrine-Bégué: I think that past experience has proved that people can come on secondment also. But what's the reason also of depleting the public service who has its own goals to achieve with lack of staff – and I know what I am talking about – to improve another parastatal body when they can easily.....because anyway they will have contributed for pensions, etc.

Mrs. Prosper: According to the recruitment criteria, what will be the age limit of an employee.

Commissioner Perrine-Bégué: Yes, it is true that the same law will apply, c'est-à-dire comme on voit dans la plupart des parastatal bodies, on ne peut entrer après 45 ans sauf si on est professionnel, etc. C'est pratique les mêmes choses qui sont appliquées.

The Minority Leader: Monsieur le Président, je n'ai pas dit qu'on doit prendre des travailleurs du gouvernement pour mettre dedans. Yes, we have not said that we should pick government employees from other departments to put into this Board. We can recruit but I am telling you that in the long term, there will be a problem to provide pensions, retirement benefits catering for the retirement of these employees. And you will have a very high rate of rotation because these employees will be there until they find a better position, especially if they are on contract which is very often the case in statutory bodies. They are on contract. We have the experience of many organisations here where there is high rotation and you will not attract the best professionals. If the employees are from Government and they are moved there on secondment, you can have the best from the greatest array. To-morrow somebody in government qualifies in child development, that person can be transferred there. We should not limit the scope from which government employees can move to the Board because if we are not doing that, we are in a sense limiting the perspectives of the Board, of the Committee also. So, I'd believe that we see that the issue of making the employees of the Board be government employees and the Commissioner to-morrow may, if the Council or the Board sees that Mrs. X, Mr. Y is a good E.A, for example. You need an executive assistance or an E.O or H.E.O, how would you nominate them there. Will you recruit an H.E.O

from where? Will an H.E.O, for example, leave administration to work there knowing that she or he will lose her acquired rights in terms of accumulated benefits of service, in terms of perspectives for higher promotion? You may have a Council with people 18 or 20 years old, how will you do? So it is better to draw on the whole body of public officers rather than to choose only a few.

Mr. Agathe: Mr. Chairperson Sir...

Mr. Chairperson: Yes, but is there a response?

Commissioner Perrine-Bégué: What I'd say is that with the other way round also there may be a problem. Because I am looking at, for example, what I was saying is the way round what the Minority Leader has been proposing. I am thinking about the Child Development Unit which we had. We had a government officer who finally – I am alleging – but sometimes when people hear of promotions in the department where they initially worked or if they effectively are promoted, then they will move. So, rotation may be other way. But I'd like to say also that in bodies like the Council, the conditions of salary are generally commensurate with the profile of the employee and that there is sometimes a question of public interest also when public officers are moving into organisations which are parastatal with other types of objectives.

The Minority Leader: I have an amendment. I move that.

Mr. Chairperson: Please wait. We are at clause 13. Your amendment is at clause (1) or (2)?

The Minority Leader: I move that a clause 13(3) be added.

Mr. Chairperson: Before you propose your amendment, is there any amendment to clauses (1) and (2)? No.

The Minority Leader: 13(3) – “the Commissioner, after consultation with the Director, may decide to transfer on secondment any public officer to the Board on such terms and conditions as may be decided.” The object of this amendment is to give the opportunity to the Government and the Board to be able to accept employees from the pool of which officers that we have in Rodrigues. For example, if the Board needs somebody of high calibre, an Executive Officer, for a example, somebody who is good in the sphere of child development, a psychologist where necessary – for which

psychologist will go and work for such a small entity? The psychologist may work there for one (1) or two (2) months and then leave. This is a real danger of having employees moving and going away. There is nowhere in this Bill for transfer of public officers. This will be like the PSSA, the C.E.B. Can government transfer employees to the PSSA, for example, or to the STC? Are there government employees in the State Trading Corporation? This may sound quite irresponsible. But transferring an employee to a parastatal body may be seen by other employees as something bad for his career unless this has been provided by the law. So, if the law does not provide it, we will not be able to do it. So, I believe it is good for the sake of having the best personnel in this Board that, at the very beginning, you have his possibility that government employees be allowed to be seconded to this Board.

Thank you.

Mr. Chairperson: Anybody wants o comment on this amendment?

Commissioner Perrine-Bégué: I think there are already national laws on that, Mr. Chairperson Sir because at present in the NCC there are a number of employees, who are employees of the Ministry for Women's Rights. I am thinking for example of Mrs. Bonnevaillant who is a government officer and she is working there. And there are also on the National Women's Council a number of officers who are and I remember there has been a recent procedure for these persons who were not officers of the NCC to become government officers recently. So, laws already exist on this issue. For our part here in Rodrigues, we have for example in my own Commission people who are working on secondment with the IFAD which is not a public organisation. And I think that we have to be cautious because transfer of public officers need the approval of the Public Service Commission. In case of transfer of pension and other privileges these must be carried forward in accordance with PRB recommendations. So we cannot bind the PSC. I think there is already a general law on that. It is effective both here in Rodrigues and in Mauritius.

Mr. Chairperson: Yes, nobody else? Question: that the following sub clause be added to clause 13 as sub clause 13(3) with the following:

“the Commissioner, after consultation with the Director, may decide to transfer on secondment any public officer to the Board on such terms and conditions as may be decided.” Those in favour say “Aye”, those against say “No”. The “Noes” have it.

Question: that clause 13 stands part of the Bill,. Those in favour say “Aye”, those against say “No”. The “Ayes” have it. Well, we have many clauses

left if you feel that we have to suspend for a little break. No? We proceed then.

The Clerk: Clause 14 – Conditions of service of employees.

Mr. Chairperson: Yes, anything? Nothing.

The Clerk: Clause 15 – Protection of members and employees.

Mr. Chairperson: Yes, anything? Question: that clauses 14 and 15 stand part of the Bill. Those in favour say “Aye”, those against say “No”. The “Ayes” have it.

The Clerk: Clause 16 – Funds of the Council.

Mr. Grandcourt: Yes, as regards clause 16(1)(c) – the Council may raise money by “organisation fund raising events”. Can we know more about this, for example, what types of events?

Commissioner Perrine-Bégué: It could be a Tombola, for example, or whatever is correct according to the objectives, whatever activities they think they could do to raise funds.

The Minority Leader: Mr. Chairperson Sir, does the Commissioner think that a Council of such stature, “de cette envergure” – protection de l’enfant: qu’est-ce que c’est ça? Fund raising events – Tombola? Où est le sérieux dedans? Qu’est-ce que c’est que ce Council? Comme si le Council devrait aller mendier comme les clubs de jeunesse, comme les clubs de sport, il devrait aller faire vendre des tombolas un peu partout pour avoir des fonds pour rouler. Ce n’est pas sérieux.

Commissioner Perrine-Bégué: Monsieur le Président, mais si la nation mauricienne, française, anglaise, américaine ont fait des loteries et ont vu que ce n’est pas dégradant, tout simplement parce que c’est appelé un loterie et l’autre est une tombola, pourquoi c’est plus dégradant que l’autre. Je ne crois pas que c’est plus dégradant que quoique ce soit. Par exemple il y a la Croix Rouge qui fait ce qu’on appelle Flag Days. Ils font peut-être la vente de petits drapeaux etc, why not? Pourquoi pas? Quelle est la différence entre une loterie et un tombola? Une tombola est une petite loterie, une loterie gouvernementale – la loterie verte et popard tout ça, c’est plus grand mais c’est pas plus dégradant que les autres. Et il y a des

lois, etc qui sont respectés pour faire ces choses-là à travers les enforcing bodies.

Mr. Chairperson : Next.

Mr. Jabeemissar : (1)(d) –“securing sponsorship from private firms and individuals”. We all know that private firms; sometimes are companies registered and so on. But accepting money from individuals; what parameter have been set up to insure that money which they receive is not black money?

Commissioner Perrine-Bégué: But you know, Mr. Chairperson Sir, money has no colour. Aussi longtemps que ce n'est pas prouvé, aussi longtemps that you cannot prove you cannot say that this is black money. But then you cannot accept money from anybody. As I said I trust the judgment of these persons.

Mr. Jabeemissar: The Commissioner has said that we cannot accept money from anybody. There should be a parameter and what should be the parameter.

Mr. Chairperson: Any response?

Commissioner Perrine-Bégué: Yes, but we must trust the Board because it will be a Board with persons who must be versed in issues that we are talking of and at the same time they can call for people to advise them. So, of course, we have to trust the Board as in Mauritius. They must be bound by all the laws that govern the financial institutions, financial transactions in the whole country.

Mr. Jabeemissar: In that case, Mr. Chairperson Sir, I propose that we limit if this is deductible from Income Tax. Income tax has a limit for personal relief and so on.

Mr. Grandcourt: Mr. Chairperson Sir, clause 16(3)(a) “the Board shall establish a General Fund into which all the money received by the Council shall be paid”. Who will be responsible for that fund and what is the procedure normally to accept funds?

Commissioner Perrine-Bégué: I think that we have to look at the law. The Board is responsible for the fund and will manage it. But I was looking at the functions of the Board. We talk of a financial sub-committee

in the powers of the Board – the Board may appoint a Finance sub-committee and such other special or standing sub-committees.....et puis après.....

Mr. Chairperson: Yes, Commissioner for Arts, Culture and Women’s Affairs, can you be a little clearer. There is an interrogation from the member.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, the Board will have to set up all the mechanisms according to existing laws in the country with regard to the management of funds. Of course, we cannot go with all the little detail of management. Like in the Commissions, we have the FMM and for statutory bodies there must be practices because I will refer you to clause 25, sub clause (5). It is said that the accounts will be audited by the Director of Audit and payments out of the Fund are government by clause 19(2) – Every cheque of the Council shall be signed by any 2 of the following persons:

- (a) the Chairperson;
- (b) the Director; or
- (c) such other member as may be appointed for that purpose by the Board.

The Minority Leader: Yes, the question remains – clause 7 – meeting of the Council – a general meeting of the Council.

Mr. Chairperson: Which clause? O.k, you are still on clause 16, please, proceed.

The Minority Leader: Clause 7(1) states: “A general meeting of the Council shall be held at least once in a calendar year”. This meeting can be held at very long intervals. It can be once in a year, you will agree with me. So, if, for example, it is once in a year and Clause 16(3)(b) – The Board shall establish a General Fund; (b) out of which all payments required to be made by the Council shall be effected – by the council, qui peut-être va se rencontrer une seule fois l’an will be paid. So, it is clear here that it is the Council which has the power to remove funds from the General Fund according to what is written here – a literal approach. So, if the Council meets only once and decides to pay only certain things, for example, payment of employees, electricity, payment of all overheads associated with this, how is this going to be done when the Council meets once a year.

Commissioner Perrine-Bégué: No, Mr. Chairperson Sir, I think the Minority Leader is misleading because he is talking too liberally the writing here. The Council is a body corporate. C'est une personne institutionnalisée. It has an executive arm. So, whatever the Board does, it is doing on behalf of the Council. It is like here in Rodrigues. Whatever we do in the Rodrigues Regional Assembly is done on behalf of the Government of Mauritius. That is it. We should not look at the General Assembly. When we are talking of at least one meeting a year, it is for the General Assembly but we should not forget that we have five members of the Council who sit on the Board as well as the secretary who is the Director of the Board. So, naturally, this will influence all the activities, they will be the one who will advocate such types of activities that they think fit for the children's organisations that they represent. That's why it is put in such a way.

Mr. Chairperson: Anything else on clause 16? Nothing – next clause.

The Clerk: Clause 17 – Estimates.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I have an amendment here again it is a

Mr. Chairperson: Please wait. Question: that clause 16 stands part of the Bill, those in favour say "Aye", those against say "No". The "ayes" have it.

The Clerk: Clause 17 – Estimates.

Commissioner Perrine-Bégué: Yes, I have an amendment – a typing error – clause 17(2).

Mr. Chairperson: Please wait. Anything on clause 17(1). Yes, you may move your amendment.

Commissioner Perrine-Bégué: Yes, I move that the word "estimate" be deleted in clause 17(2) and that the word "estimates" be inserted in its place.

Mr. Chairperson: Oh, yes – question: that the word "estimates" be substituted for the word "estimate" in clause 17(2), those in favour say "aye", those against say "no". The "ayes" have it. Anything else. Nothing

on clause 17? Question: that clause 17 stands part of the Bill, those in favour say “aye”, those against say “no”. The “ayes” have it.

The Clerk: Clause 18 – Annual Report – nothing.

Minority leader: Yes, at clause 18(3) the Annual Report shall be laid on the table of the Regional Assembly. The delay is not specified.

Commissioner Perrine-Bégué: Yes, I think we should look at the whole clause. Clause 18(1) states that the Board shall not later than 30th September in every year, issue an annual report on its activities and audited accounts for that financial year. Donc, je pense qu’on doit prendre ça en considération pour interpréter 18(3).

The Minority Leader: Mr. Chairperson Sir, 18(1) says the Board shall, not later than 30th September in every year, issue an annual report on its activities and audited accounts for that financial year, shall only issue. Clause 18(2) says “the annual report shall contain a review of all events which during the year were capable of having any incidence on the subject, etc. Clause 18(3) – the annual report and shall be submitted to the Commissioner for his approval and shall be laid on the table of the Rodrigues Regional Assembly. Which delay? The financial year has ended on the 30th June. They have until 30th September to submit their report to the Commissioner and if the Commissioner decides: “o.k. I shall submit it in 2 years’ time, if the Commissioner decides – to-morrow. I am Commissioner. There is a fraud there, the report says there has been a fraud. I am Commissioner for Child Development and I don’t want to submit it because subsequently is not defined. It should be specified when. Why should there be a delay, Mr. Chairperson Sir? At least before the next We are already the 30th June, the Commissioner may take her time until December and then the next estimates have come and we are in presence of the previous report, to know what has been made of public funds. There should be at least a delay.

Mr. Chairperson: Anything?

The Minority Leader: Mr. Chairperson Sir, I move that clause 18(3) be amended by adding after the words “Rodrigues Regional Assembly” the words “not later than 15 November in every year”.

Mr. Chairperson: Qestion: that the words “not later than 15 November in every year” be added after the words “Rodrigues Regional

Assembly” in clause 18(3). Those who are for say “aye”, those against say “no”. The “noes” have it. Anything on clause 18.

Mr. Agathe: Clause 18(1) – audited accounts. I want to know who will be that auditor and how many auditors we are going to have?

Commissioner Perrine-Bégué: I’d like to go ahead to clause 25(5) – the auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

Mr. Chairperson: Yes, nothing on clause 18. Question: that clause 18 stands part of the Bill. Those in favour say “aye”, those against say “no”. The “ayes” have it.

The Clerk: Clause 19 – Documents.

Mr. Chairperson: Anything, yes.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I move to amend clause 19(1), (2) to substitute the word “Fund” for the word “Council” in both sub clauses.

Mr. Chairperson: Yes, question: that the word “Fund” be substituted for the word “Council” wherever it appears in clause 19. Those in favour say “aye”, those against say “no”. The “ayes” have it. Question: that clause 19 stands part of the Bill with amendments. Those in favour say “aye”, those against say “no”. The ‘ayes’ have it.

The Clerk: Clause 20 – Powers of the Commissioner.

Mr. Chairperson: Nothing. O.k. we move on.

The Clerk: Clause 21 – Donations.

Mr. Chairperson: Anything? Nothing, let’s move on.

The Clerk: Clause 22 – Exemptions.

Mr. Chairperson: Yes?

The Clerk: Clause 23 – Service of process.

Mr. Chairperson: Yes?

The Clerk: Clause 24- Regulations.

Mr. Chairperson: Question: that clauses 20, 21, 22, 23, 24 stand part of the Bill. Those in favour say “aye”, those against say “no”. The “ayes” have it.

The Clerk: Clause 25 – Consequential amendments.

Mr. Emilien: Sun clause 25(5).

Mr. Chairperson: Earlier than sub clause 25(5), no? Sub clause 25(5).

M. Emilien: Owing to the fact that the Director will sign the cheque, that is, he will deal with money, I don’t think it is wise to have the same person to be Director of Audit. Oh, sorry, this is the Director of Audit in Mauritius.

Mr. Chairperson: Nothing else?

The Minority Leader: As regards these consequential amendments, we are her, Mr. Chairperson Sir, in the Rodrigues Regional Assembly and we are not allowed here under RRA Act to amend national laws. Only the National Assembly can do that. It is a local law but being a local law, how can we in our Bill here, have consequential amendments and vote upon these. We know that it is going to be in the National Assembly but can we here, from a constitutional point of view allow this section to be voted. It should mean as if we here have taken the power, substituted ourselves for the National Assembly. This would not be o.k. because the General Assembly itself says “no law of the Regional Assembly shall seek alter or to amend”. Yes, that is section 30(4) of Rodrigues Regional Assembly Act. It says subject to the provision of section 2(2) etc, a Bill adopted and it is rightly in the enactment, just before the short title it is good to put adopted, there they enact. This will move to the National Assembly, if it moves, they will put enacted by the National Assembly but not my point is being given section 30(4) which say “a Bill adopted by the Regional Assembly shall not seek to abrogate, suspend, repeat, alter, override or to be contrary to any law of the Republic of Mauritius or impose ay direct or indirect taxation whatsoever. This Bill, if we adopt it as it is with all the consequential amendments in clause 25, we’ll be as if substituting ourselves for the

National Assembly. Moi, je refuserais cette provision, parce que je n'ai pas envie de me substituer à l'assemblée nationale. On a dit tout à l'heure, the sovereignty of Parliament because whatever you think the OMC, etc, Parliament remains supreme and this is not authorised to alter any law existing in Mauritius or even to try to consider it. This is under on our part and I do not know who at the SLD they have been contacting and who has drafted the legislation because it is not good. The law says we should not try to alter the laws of the Republic of Mauritius and here we are trying to alter a law. It is clear. This is a Bill, isn't it. It is going to be adopted by the Regional Assembly and in it there are provisions to alter a law of the Republic of Mauritius. It is clear. In that Bill there is a provision to alter laws of the Republic of Mauritius. Yu agree with me. So, this clause 25 should be wiped out and introduced by the National Legislator.

Mr. Chairperson: Before the Commissioner answers it, this Bill has been submitted to this Assembly and in a sort of way I give my ruling that the Bill appears on the Order Paper and indirectly give my views that the Bill is in order. I have many things to say on this Bill concerning the point you made but I will allow the Commissioner for Arts & Culture to address the House if she wants to.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I would like to clarify something. The Minority Leader has been talking of consequential amendments and I reacted to this when we got to final vetting. I would like to mention that the first vetting we obtained from the SLO, the Assistant Solicitor General who is now the Acting DPP, that is, the No 1 at the SLO was the very person who vetted that law, and he told us "I deeply regret not being able to attend this event as I am at present pressed for drafting and vetting of very urgent Bills for the National Assembly". C'est quelqu'un qui aime beaucoup Rodrigues et je dois le saluer. Alors je voudrais mentionner que dans son premier ruling du 20 novembre il disait « I have limited myself – et cela rejoint le point de vue du Chairperson – to reviewing and modifying the text of the Bill submitted to me from a legislative drafting standpoint. My Departmental Head and myself, we had discussions/consultations by phone with the SLO recently before we introduce this paper here but prior to the Executive Council meeting, because we have to advise the Executive Council correctly before it takes decisions on whatever paper we introduce. We asked questions on that; this is the Bill itself. When you are making a decision, for example, to create a Council, the provision is being made in a law for another type of situation, then we are abrogating a law and you are altering, suspending, repealing. But when we are proposing consequential amendments and that the Cabinet has approved as well as the SLO after

Cabinet approval. It is seen that government is giving priority its approval to these amendments when the law will be adopted because we do not forget that the government law will pass through all the stages of legislation in Mauritius and prior to that Cabinet give its green light. Cabinet has already given its approval and the SLO even gave us a verbal ruling for another amendment that he proposed to us to introduce but which finally we did not introduce which was going to be another consequential amendment and he referred us to one particular section of the Constitution. That's why we stand guided by the SLO and the Chairperson also before accepting its introduction.

Mr. Chairperson: Before you proceed further, may I draw your attention to section 2(2)(a)(iii) of the RRA Act. But of course my reading of it is that if we have to modify any law which is in Application in Mauritius, there should be an amendment to the proposed section of the main law in Mauritius. But when the Regional Assembly adopts a Bill, this is as we call it in French, ça reste un projet de loi qui doit passer par toutes les étapes à l'île Maurice. This is the main argument that prompted me to accept this piece of legislation. Please consider this before you make anything.

The Minority Leader: Mr. Chairperson Sir.

Mr. Chairperson: Please wait, my attention has also been drawn also to clause 25(1). Has this section already been amended in Mauritius. Yes! You have to say so this is very pertinent.

Commissioner Perrine-Bégué: This is what I have been told. I said that at the beginning of my intervention at second reading. We have had the ruling of the SLO after adoption by the RRA – non, c'est pas ça. The object of the National Children's Council (Amendment) Bill is precisely to permit the establishment in Rodrigues of a Rodrigues Children's Council. La section 12 est déjà amendée. Mais il reste les consequential amendments.

The Minority Leader : If it has already been amended, it must be removed, Mr. Chairperson Sir, when we come to this item of this House proposing amendments, section 2(2)(a)(iii) I am sorry I am taking the time of the Assembly. But we are dealing with a draft Bill for the first time and everything that you do for the first time must be done well. So, section 2(2)(a)(iii) says that “nothing in this Act or in a Regional Law shall be continued or interpreted as authorizing anything which is inconsistent with or contrary to any law enacted by Parliament, provided that the Regional Assembly may, in relation to the matters for which it is responsible under

section 26, propose and adopt a Bill for the modification. This is the correct procedure, proposing a Bill of modification, for example, for each item of the consequential amendments. So, this is the proper procedure which we have been informed about when elected to the Assembly and which I have in mind. So, it is clear, Mr. Chairperson Sir, it should have included in the Bill the consequential amendments. Propose and adopt a Bill for the modification, it is separate, it is not a section of a Bill. In Trinidad and Tobago they call it Bill of modification. It is a Bill, may be the Chief Commissioner who has been there, I don't know whether he has a look at this there.

Mr. Chairperson: No insinuation, please.

The Minority Leader: But Trinidad and Tobago, I will invite all members to check it, it is a Bill of modification for amendment of a national law so that in its new form it applies as amended by the Bill to

Mr. Chairperson: Yes.

The Chief Commissioner: These are consequential amendments. All amendment, even the amendments to the National Children's Council which have occurred in Mauritius must be mentioned here because the other amendments also, the schedule to the Statutory Bodies (Accounts and Audit) Act amended in part II by adding the following: "Rodrigues Children Council". 25(3) – for the purpose of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30th June next following shall be deemed to be the first financial year of the Council. All the amendments concerning this Bill must be mentioned in the Bill. Even the amendments which are being made in Mauritius in the National Children's Council. I think it is good to mention this. They are consequential amendments to this Bill being enacted. Thus there has been a National Children's Council Act which has been amended in Mauritius and this must be mentioned here in the consequential amendments. When you read the RRA Act, you will there also "consequential amendments". I think the Minority Leader doesn't understand this. We are not amending the National Children's Council Act. It is only mentioned here that a section has been amended. We are not amending. It has already been amended.

The Minority Leader: Monsieur le Président, je suis confus. Pourquoi cette assemblée doit se réunir pour examiner entre autres une section qui a déjà été réalisée. Un Bill doit contenir des choses qui n'ont pas encore été faites. Consequential amendments ? Comment se fait-il que cela

a déjà été amendé et que c'est dans le Bill ici. Si c'est déjà amendé, pourquoi vous venez avec ça. There is no need to mention it. A consequential amendment is what ? Si un étranger lit ça aujourd'hui, section 25 – l'assemblée régionale a proposé des amendements, d'accord. On vient lui dire après « ces amendements ont déjà été faits, mais qu'est-ce que c'est. If it has been done at the National level, why is it here. This Bill will go to the National Assembly, you agree with me. So, what will you be doing. Some people are laughing but from a parliamentary point of view, can Parliament twice adopt consequential amendments, when it has already been done, for example, as you said for section 2, subsection (2) of the NCC. Mr. Chairperson Sir, the National Assembly will be invited to vote this. And when they are voted these consequential amendments will have to be applied. So, if things have already been amended, we should have been informed of this. They should have been here.

Mr. Chairperson: Yes, anything else on clause 25?

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I should like to give my point of view just to éclairer. From what I gather, for these amendment that we are proposing, I remember we asked at a point in time when the NCC was being enacted in Mauritius that they mentioned the Rodrigues Children's Council already in 2003 when the law was not yet vetted, it was ready in Rodrigues. I remember we called the Minister and the State Law Office said when something does not exist, it cannot be mentioned in a law. Je pense que c'est pareil, voilà pourquoi ces consequential amendments sont approuvés ici. C'est que maintenant qu'ils ne peuvent pas aller amender, par exemple, la section 25(2) ils peuvent pas amender la loi pour annoncer que we are adding the Rodrigues Children's Council when the Council legally does not exist. Alors ça c'était le point légal. Voilà pourquoi avec l'accord du Cabinet c'est permis de mettre ces amendements ici au lieu que comme le premier point dans la section 25(1) the National Children's Council Act is amended in section 12, by deleting subsection (2) parce que pour cette provision principale qui nous permet maintenant de faire notre provision à nous, en ce qui concerne le National Children's Council. Donc, pas de problème but they cannot introduce something that does not exist. Maintenant for the Bill of modification, my opinion is that yes we can come with a Bill of modification. Mais quoique moi je pense que par exemple, dans certains cas on peut venir avec un Bill of modification where we think that we don't need to create a specific law for something but we can modify sections in a specific law as regards Rodrigues while the main law remains binding on us, ça on peut faire. I think we can do that.

The Minority Leader: Mr. Chairperson Sir, section 2(2)(a)(iii) of the Regional Assembly Act deals with matters for which the Regional Assembly is responsible under section 26 – Areas of responsibility and says that we can adopt a Bill for the modification of any law in relation to such matters under section 26. So, my point of view is that there should be a Bill of modification. Your view is that there is no need for a Bill of modification. In spite of that, for example, your consequential amendments on the statutory Bodies (Accounts and Audit) Act, auditor to be appointed under it. Section 26 did not give you the authority to deal with all these. Section 2(2)(a)(iii) of the RRA Act speaks of our areas of responsibility under section 26. I say we need a Bill of modification for these consequential amendments and you say no. O.k. But how can we go beyond these areas of responsibility in the schedule to section 26 and propose amendments which are completely beyond the areas of responsibility of this Assembly. Because, Mr. Chairperson Sir, this Assembly is an assembly written in law – the Constitution and the RRA and I believe that what we have been saying here we have grounds for it, we have to have recourse to the Supreme Court if need be to give an interpretation, Mr. Chairperson Sir, and I am telling you that if they don't want to listen to our point of view, we will make application to the Supreme Court to ask the Supreme Court to make a declaration on this because in Trinidad and Tobago on which our model is based, to amend a national law, needs some discretion. We are not allowed to go beyond our areas of responsibility in section 26.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I don't understand because this. But with the consequential amendments that it is also inserting is also somewhat a Bill of modification. It is a section of a Bill. A Bill comprises a number of functions, including modifying Mr. Chairperson Sir. Why should we come with a Bill of three (3) or four (4) lines specifically in this Assembly when in one and the same law we can at the same time modify and bring consequential amendments and modifications. It's bonnet blanc, blanc bonnet.

The Minority Leader: Mr. Chairperson Sir.

Mr. Chairperson: Please do not turn this Assembly even it is a committee to a court of law, throwing legal arguments. I am not a judge to decide what is that correct interpretation. You may go on and on but this will lead where? You mention the Supreme Court, this is a correct view point.

The Minority Leader: Je vois que vous avez compris ce que nous avons dit. Je m'excuse mais on a un rôle de législateur ici. On vote quoi ici ? On vote une loi, on est des législateurs.

Mr. Chairperson: Yes, you are right. I am sorry to interrupt you but I can. You are right to mention it; this is why I allowed everybody to express his opinion. But if you remain on your standpoint and the other side does the same, we do go in this debate? We will never end. So, well there are avenues for both sides.

The Minority Leader: Yes, Mr. Chairperson Sir, on va arriver à l'heure de vote, mais il y a beaucoup de doutes.

Mr. Chairperson: I agree with you but you are going to repeat yourself.

The Minority Leader: This is politics, Mr. Chairperson Sir.

Mr. Chairperson: Agreed and I have to chair these sorts of political things?

The Minority Leader: If one day you are in this situation you will learn how

Mr. Chairperson: I'll never.

The Minority Leader: Never say never. I will end. I regret to tell you, I don't think this side of the House we are for the cause of children but not in any way. La fin neje n'ai pas dit qu'on va pas voter. Je n'ai pas fait ça moi. Mais je dis que la procédure, il ne faut pas que ce soit des procédures de lèche-bottes. On amende n'importe quoi, n'importe comment. Take the powers of the National Assembly et ne pas respecter les procédures. Je regrette s'il y a des procédures à respecter surtout au niveau légal, il faut les respecter. Et c'est très regrettable qu la Commissaire ne veut pas comprendre ce point de vue.

Mr. Chairperson: Yes, please, anything else, no amendment, nothing? Question: that clause 25 stands part of the Bill, those in favour say "aye", those against say "no". The "ayes" have it. Yes, move on. Motions.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I move that the Bill be reported to the Assembly.

Mr. Chairperson: Yes, secondment.

(The Deputy Chief Commissioner seconds the motion)

Mr. Chairperson: Question: that I do report the Bill to the Assembly. Those in favour say “aye”, those against say “no”. The “ayes” have it.

(Suspension of 20 minutes from 20.30 to 20.50 hours)

Mr. Chairperson: I have to inform the Assembly that the Rodrigues Children’s Council Bill has passed the Committee Stage.

The Clerk: Rodrigues Children’s Council Bill (Rodrigues Regional Assembly Law) – Adoption stage.

Mr. Chairperson: Yes.

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I move that the Rodrigues Children’s Council Bill be read a third time.

The Clerk: The Rodrigues Children’s Council Bill (Rodrigues Regional Assembly Law).

Commissioner Perrine-Bégué: Mr. Chairperson Sir, I move that the Rodrigues Children’s Council Bill be adopted.

Mr. Chairperson: Question: that the Rodrigues Children’s Council Bill be adopted. Those in favour say “aye”, those against say “no”. The “ayes” have it. Any other business?

The Clerk: No other business.

Mr. Chairperson: The House stands adjourned.

(The House adjourned at 20.55 hours)