

MAURITIUS

Follow-up - State Reporting

i) Action by Treaty Bodies, including reports on missions

CCPR, A/60/40 vol. I (2005)

CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State Party</u>	<u>Date Information Due</u>	<u>Date Reply Received</u>	<u>Further Action</u>
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Eighty-second session (March 2005)

Mauritius	31 March 2006	-	-
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CCPR, CCPR/C/SR.2392 (2006)

HUMAN RIGHTS COMMITTEE

Eighty-seventh session

SUMMARY RECORD OF THE 2392nd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 26 July 2006, at 11 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO VIEWS
UNDER THE OPTIONAL PROTOCOL (agenda item 7)

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Report of the Special Rapporteur for follow-up on concluding observations
(CCPR/C/87/CRP.1/Add.7)

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[Mr. RIVAS POSADA, speaking as Special Rapporteur for follow-up on concluding observations]

54. At its eighty-third session in March 2005, the Committee had requested additional information by 31 March 2006 from five States parties. Reminders had been sent to Greece and Iceland on 6 July 2006. Kenya had submitted what seemed to be a complete reply on 12 June 2006, noting, however, that it had not had time to implement some of the Committee's recommendations. Mauritius had also submitted a complete response with comprehensive statistical annexes. No further action was recommended with regard to either of those two States parties. Although Uzbekistan had not provided the information requested, it had informed the Committee through the Chairperson that the death penalty would be abolished on 1 January 2008 and that a number of committees had been mandated to undertake a corresponding review of the country's legislation.

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CHAPTER VII.

FOLLOW-UP TO CONCLUDING OBSERVATIONS

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

State party	Date information due	Date reply received	Further action
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<i>Eighty-third session (March 2005)</i>			
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Mauritius	31 March 2006	5 April 2006	At its eighty-seventh session, the Committee decided to take no further action.
Fourth periodic report examined	Paras. 10, 13 and 16		
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Follow-up - Reporting
ii) Action by State Party

CCPR CCPR/CO/73/UK/Add.1 (2002)

Comments by the Government of Mauritius to the concluding observations of the Human Rights Committee on the United Kingdom of Great Britain and Northern Ireland and Overseas Territories: Mauritius, United Kingdom of Great Britain and Northern Ireland

1. By letter dated 3 January 2002, the Permanent Representative of Mauritius to the United Nations Office at Geneva transmitted to the Chairman of the Human Rights Committee the comments of the Mauritius authorities on paragraph 38 of the advance unedited version of the concluding observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland (CCPR/CO/73/UK, CCPR/CO/73/UKOT dated 5 November 2001), released by the Office of the High Commissioner for Human Rights, in which mention is made of the British Indian Ocean Territory (BIOT).
2. The Government of the Republic of Mauritius wishes to submit the following clarifications to the members of the Human Rights Committee.
3. Mauritius consists mainly of an island of 720 square miles found in the south-west of the Indian Ocean and which has a population of 1.2 million.
4. Mauritius obtained its independence from the United Kingdom on 12 March 1968. Prior to Mauritius being granted its independence, the Chagos Archipelago was unlawfully excised by the United Kingdom from the territory of Mauritius. This excision was done in violation of the United Nations Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV) of 14 December 1960) prohibiting the dismemberment of any colonial territory prior to independence, and Assembly resolutions 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967. It should be noted that paragraph 6 of the Declaration stipulates that "Any attempt aimed at the partial or total disruption of national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".
5. The Chagos Archipelago had always been under the administrative rule of Mauritius until its unlawful excision by the then colonial power. Mauritius has never relinquished its sovereignty over the Chagos Archipelago and has, ever since this unlawful excision, consistently and persistently pressed the United Kingdom Government both in bilateral and multilateral forums for the early and unconditional return of the Chagos Archipelago to Mauritius.
6. In this context, the Government of Mauritius has continuously received the support of the Organization of African Unity and the Non-Aligned Movement on this issue. Only recently, the OAU Council of Ministers meeting in Lusaka in July 2001 reiterated its unflinching support to the Government of Mauritius in its endeavours and efforts to restore its sovereignty over the Chagos Archipelago and called upon the United Kingdom to put an end to its continued unlawful occupation

of the Chagos Archipelago and to return it to Mauritius, thereby completing the process of decolonization. The OAU Council further exhorted the United Kingdom authorities not to take any steps or measures likely to adversely impact on the sovereignty of Mauritius.

7. Mauritius also reiterates its request every year at the United Nations General Assembly for the return of the Chagos Archipelago to Mauritius. In accordance with article 2 of the International Covenant on Civil and Political Rights, Mauritius has repeatedly called for the former inhabitants of the Chagos Archipelago and their families, who were forcibly evicted to Mauritius by the then colonial power, to be allowed to return to the Archipelago, including Diego Garcia. At the General Assembly in November 2001, Mauritius reiterated its claim of sovereignty over the Chagos Archipelago.

8. The Mauritian Government therefore does not recognize any British Indian Ocean Territory (BIOT) or any British Overseas Territory (BOT) insofar as those terms purport to describe or refer to the Chagos Archipelago. The Mauritius Government continues to vehemently challenge the competence of the British Government or any other Government to legislate for a part of Mauritian territory which is and has always been under Mauritian sovereignty and intends to take measures to vindicate its right at all relevant places and forums.

9. Whenever the Chagos issue has been raised, Her Majesty's Government in the United Kingdom has maintained that sovereignty over the Chagos Archipelago will revert to Mauritius when the military facility on Diego Garcia is no longer needed for the defence of the West. Indeed, in a letter dated 1 July 1992 addressed to the Mauritian authorities, the British authorities gave an undertaking to the Government of Mauritius that when the Chagos would no longer be needed for the defence purposes of the United Kingdom and the United States, it will be ceded to Mauritius.

10. Mauritius is still pursuing the resolution of this issue through diplomatic means and has sought the support of the United States to that end. The Mauritius authorities will, however, remain vigilant with regard to any attempt from any quarter likely to cause an adverse impact on the sovereignty of Mauritius.

11. The Government of Mauritius would be grateful if the Office of the High Commissioner for Human Rights and the Human Rights Committee could consider the foregoing elements when finalizing the documents under reference.