

MAURITIUS

CERD 29th No.18(A/9618) (1974)

94. The information contained in the initial report of the Government of Mauritius consisted principally of the texts of sections 3, 11 and 16 of chapter II of the Constitution of that country. No information on other legislation, or on any administrative, judicial or other measures was made available to the Committee, as required by article 9, paragraph 1, of the Convention. The report contained no information on the relations, if any, between Mauritius and the racist régimes in southern Africa and no information on the country's demographic composition, as envisaged in the Committee's general recommendations III and IV, respectively.

95. The introductory statement, to the effect that the accession of Mauritius to the Convention had not necessitated the adoption of further measures as the Constitution of the country fully provided against any racial discrimination, was questioned; certain mandatory provisions of the Convention, such as those contained in articles 4, 6 and 7, required positive legislative action to give effect to the principles enunciated in the Constitution and the provisions of the Convention as well as appropriate administrative and other measures.

96. The Committee decided to request the Government of Mauritius to provide additional information and to take into account the Committee's guidelines and general recommendations.

CERD A/32/18 (1977)

247. Members of the Committee noted that the second periodic report of Mauritius did not fill the gaps which the Committee had found in the initial report, and to which it had drawn attention at its ninth session [A/9618, paras. 94-96]. The two pronouncements by the Supreme Court on the provisions of the Mauritian Constitution relating to discrimination in two recent cases were considered to be of interest but not relevant to the problem of racial discrimination.

248. The report before the Committee reproduced the texts of sections of the Constitution which had been supplied to the Committee in the initial report. Members of the Committee inquired why “caste”, which was included in the definition of discrimination governing the provisions of section 16 of the Constitution, was omitted from section 3, which prohibited discrimination in the enjoyment of certain human rights and fundamental freedoms. It was noted also that the list of human rights recognized in section 3 of the Constitution did not include all the rights enumerated in article 5 of the Convention. With regard to section 16 of the Constitution, it was pointed out that subsection 4 (b) could be interpreted as meaning that racial discrimination against non-citizens of Mauritius was permitted; that the provisions of subsection 4 (c) did not appear to conform to the requirements of article 5, paragraph (d) (iv), of the Convention; and that the provisions of subsection 5 might, in practice, permit discrimination against certain groups of the population in appointments to public office.

249. The representative of Mauritius responded to the request for demographic information by pointing out that Mauritius was a multiracial society and one which did not have any indigenous population, all the present inhabitants having come from Europe, Africa, India and China. A census had been taken in 1975, and the results would be included in the next periodic report. He assured the Committee that the observations and inquiries made by its members would be communicated to his Government.

CERD A/34/18 (1979)

281. The representative of Mauritius recalled that at its nineteenth session the Committee had agreed to defer consideration of the third periodic report of Mauritius (CERD/C/38) because the special representative designated by his Government had been unable to attend that session. Since the special representative was again unable to be present at the Committee's meetings at its twentieth session, all questions asked by members would be referred in writing to his Government and answers and clarifications would be provided in the next periodic report.

282. Members of the Committee noted with satisfaction that the report had been carefully prepared in accordance with the guidelines laid down by the Committee and in response to requests for information formulated at previous sessions. It constituted remarkable progress in comparison with former reports.

283. It was noted that the provisions of the Convention did not automatically acquire the force of law in Mauritius and that the Government had not found it necessary to take specific legislative action because, as asserted in the report, the principles of the Convention were already embodied in the Constitution and other laws of the country. It was apparent, however, from the report that not all the provisions of the Convention were explicitly recognized in the Constitution or the ordinary law of the country.

284. Some members drew attention to a reference made in the report to the possible derogation or restriction of the exercise of certain human rights in periods of public emergency and stated that an extension of such derogations to the right not to be discriminated against would be incompatible with the Convention. Information was sought whether public emergency had ever been used to justify discrimination against any given group and, if so, when and in respect of what groups.

285. In connection with article 2 of the Convention, members of the Committee commended efforts of the Mauritian Government aimed at promoting racial harmony on the island. It was observed that adherence to Islam was apparently regarded by the Mauritian Government as an indication of ethnic affiliation, and further information was requested on that aspect of its policy. A more detailed outline of the composition of the Mauritius population was asked for. Some members wondered whether legislation providing for differential treatment of ethnic groups had ever been enacted and, if so, on what grounds.

286. A question was asked whether a phonetic system of transcription of créole patois used in Mauritius had been devised. Some members sought further information concerning representation of communities in the Mauritian Parliament and, in particular, on the system of readjusting parliamentary representation after an election.

287. With regard to article 4 of the Convention, some members noted that provisions of Mauritian law mentioned in the report were much more general than the stipulations of that article and did not seem adequate to give effect to it, and in particular to subparagraphs (b) and (c). Information was sought on whether any specific provision had been made, in connection with subparagraph (c) apart from the establishment of the office of the ombudsman, to prevent public authorities or institutions from promoting or inciting racial discrimination. A question was asked concerning the relation

between the Penal Code which did not specify “intent” in attempts to incite a breach of the peace and the Public Order Act which did have such a requirement of intent.

288. Members of the Committee agreed with the conclusion of the report that legislative measures alone were not sufficient to ensure the complete enjoyment of human rights specified in article 5 of the Convention, and to that end it was necessary to implement economic and social measures. More information was sought on economic and social measures taken in that respect. Questions were asked concerning the composition and operation of various funds and institutions aimed at the improvement of the welfare of the Mauritian population which were mentioned in the report.

289. In connection with article 6 of the Convention, it was noted that according to the report the right to constitutional remedies was open to any person without any distinction as to race, color, national or ethnic origin. Some members suggested that the Mauritian Government should indicate how the individual could use the existing provisions, whether he had to be represented by counsel and how the proceedings could be instituted. Information was sought as to what was the competent authority to strike down the law contradicting the Constitution as invalid, who could set the machinery in motion for that purpose and how easy it was for the individual to have a discriminatory law struck down. Great importance was attached to the institution of the Ombudsman and more information was requested regarding his functions and his relationship with other State organs.

290. Satisfaction was expressed over the measures taken in compliance with article 7 of the Convention which reflected Mauritius’ continued support for United Nations measures to end racial discrimination in southern Africa and constituted a genuine contribution to that undertaking. Some members asked how the relationship between the educational facilities for the various ethnic and racial groups was regulated.

CERD A/37/18 (1982)

167. The fourth and fifth periodic reports of Mauritius (CERD/C/75/Add.8) were considered by the Committee after a brief introduction made by the representative of the reporting State.

168. The Committee congratulated the Government of Mauritius on its frank report and on its efforts to reply to questions raised by the Committee at the time of its consideration of that country's previous periodic report.

169. Members of the Committee observed that, although it appeared from the information provided that there was no racial discrimination in Mauritius, the possibility that grievances stemming from racial discrimination might arise should not be overlooked, since the population was ethnically a very complex one, economic power tended to be concentrated in one group, there were religious differences among the population and, in some instances, it seemed that it might be difficult to draw a line between cultural associations and those presenting elements of racial discrimination. The committee therefore wished to have some information on legislation that Mauritius was determined to enact for the protection of certain groups within the ambit of article 1, paragraph 4, of the Convention and to continue to receive additional information on policies for a more equitable distribution of the island's resources. It was also of the view that Mauritius might wish to consider introducing appropriate legislation in order to establish safeguards should a situation of racial discrimination arise. Members of the Committee also referred to the information provided on the demographic composition of the population of Mauritius, which was based more on religious than ethnic considerations. They asked, in this connection, whether, in addition to Hindus, Muslims and Christians, there were any Buddhists in the country; whether, among the peoples who had originally come from India there were Tamils; and whether in presenting the composition of its population, the Government of Mauritius could use criteria other than religious faith.

170. With regard to article 2 of the Convention, it was noted that the Government of Mauritius had not found it necessary to ensure that public authorities and public institutions did not practice discrimination since different races coexisted peacefully in the country, and it was recalled that the provisions of the Convention should be given full legal effect by States Parties.

171. In connection with article 3 of the Convention, the Committee noted that while Mauritius condemned apartheid, it had to maintain trade relations with South Africa for economic reasons, and the Committee hoped that in future Mauritius could become less dependent on South Africa and eventually break its economic ties with that country in order to comply with the Committee's recommendations relating to article 3 of the Convention. Additional information was requested, in that respect, on any moves to diversify trade relations in order to further reduce that dependence. It was also asked what proportion of over-all Mauritian trade was accounted for by trade with South Africa, whether Mauritius intended to join the Southern African Development Coordination Conference or any other regional economic grouping as a possible solution to its economic problems and whether trade relations with South Africa prevented the Government of Mauritius from organizing campaigns against the system of apartheid.

172. With regard to article 4 of the Convention, the Committee hoped that the Government of Mauritius would consider the possibility of broadening the scope of its legislation with a view to

implementing fully the provisions of that article. It was observed, in particular, that section 283 (1) of the Penal Code and section 33 of the Public Order Act of Mauritius did not totally meet the requirements of paragraph (a) of article 4 of the Convention and that the situation of private clubs, described in the report, which grouped members of a single community, seemed to be one of racial discrimination even though, in the particular circumstances of the country, the effects were not considered to be detrimental. Members of the Committee therefore wished to be kept informed about the activities of such clubs and expressed the view that in the light of article 4 (b) of the Convention, the Government of Mauritius may wish to consider whether those clubs should not be prohibited or dissolved.

173. With reference to article 5 of the Convention, further clarification was requested on the Civil Status Act of 1981, which prohibited religious marriages without civil marriages for all communities except the Muslim community and on the categorization of mixed marriages and the children of such marriages. It was noted that, according to the report, the right to work would be enhanced in Mauritius if the private sector could be persuaded to advertise vacancies to enable everyone to apply and that there might still be a tendency on the part of the employer to employ people belonging to his own group, and it was hoped that Mauritius would be able to complete its legislation in that area so as to cover the provisions of the Convention more fully. It was asked whether any particular group was most affected by unemployment, whether measures had been taken by the Government to alleviate the adverse effects of unemployment and how the state of emergency in Mauritius affected the rights of trade unions, the press and the principle of freedom of association.

174. Turning to article 6 of the Convention, members of the Committee noted that the provisions of the Convention could not be directly enforced by the courts, although redress could be obtained from the Supreme Court in case of a breach of section 16 of the Constitution. It was observed that such redress might be difficult in a developing country and it would be interesting to know whether there were any other forms of redress. It would also be useful to know to what extent the service provided under the Legal Aid Act of 1973 was being used and if any victims of racial discrimination had availed themselves of it.

175. As regards article 7 of the Convention, further information was requested on legislative and other measures to give effect to all its provisions and, in particular, about the teaching and publicizing of human rights and the existence of United Nations associations or human rights committees in Mauritius.

176. In reply to questions by the Committee, the representative of Mauritius drew attention to the provisions of sections 3 and 16 of the Mauritian Constitution, which revealed that the authors of the Constitution had taken account of the fact that racial discrimination could exist in the country and stated that, in the interests of political stability, any community in Mauritius could have an existence of its own if it so desired and that the policy of toleration that was being followed acknowledged the right of population groups to regard themselves as different. As regards the distribution of the island's resources, the representative stated that there were wealthy people in all of the communities, although most of the land still belonged to the descendants of the French settlers who had settled in an island where there had been no indigenous inhabitants. The Mauritian Government had never tried to seize the land and distribute it among the population since it believed that such a measure could lead to economic instability and racial intolerance; however, the taxation system ensured

redistribution of resources.

177. As regards the demographic composition of his country, the representative explained that there were many Buddhists among the inhabitants of Chinese origin and that the Tamils, even though they had a different language, practised Hinduism and were not distinguishable from the Indian community practicing the same religion. Furthermore, Mauritians had to specify to which community they belonged only when a census was taken, but many people had declared their intention of refusing to indicate their community on that occasion and it was possible that, at the next census, Mauritians would no longer be required to give that specification.

178. With reference to article 3 of the Convention, the representative stated that in spite of his country's trade relations with South Africa, there had been no interference by South Africa in the domestic affairs of Mauritius, and the wish of the Mauritians was to diversify their production and trade relations so that they could break away from their commercial dependence on that country.

179. He then provided some clarification on information given in the report with regard to article 4 of the Convention and stated that his Government regarded section 33 of the Public Order Act as giving effect not only to article 4 (a) but also to article 4 (b) of the Convention, since it covered persons who incited to racial discrimination and, by extension, the organizations or associations created by such persons. He assured the Committee that the existence of private clubs in his country did not stem from any idea of racial superiority and expressed the view that a ban on such clubs would not prevent those who frequented them from meeting in their own houses.

180. In connection with article 5 of the Convention, the representative stated that under the Civil Status Act, Muslims were free to choose between civil marriage, religious marriage having civil effect or an exclusively Muslim religious marriage. The exception made in the Civil Status Act in the case of Muslims was simply a matter of respect for the religious convictions of that community. Furthermore, he informed the Committee that there were not many marriages in Mauritius between persons from different communities; however it was for the parents to decide to which community a child born of an interracial marriage would belong.

181. With reference to article 6 of the Convention, the representative explained that in a small country like Mauritius, anybody could easily have access to the Supreme Court, thanks to the system of legal aid. However, any breach of section 283 of the Penal Code or section 33 of the Public Order Act constituted a criminal offence, and the trial took place before one of the nine district courts in Mauritius. If a district court considered that the case before it involved a question of interpretation of the Constitution or a question of discrimination, it could immediately refer the matter to the Supreme Court, without any cost to the parties to the proceedings. Lastly, the Ombudsman could, if necessary, play the role of unofficial conciliator even if he did not have competence in matters of discrimination.

CERD A/39/18 (1984)

252. In introducing the sixth periodic report of Mauritius (CERD/C/106/Add.8), the representative of the reporting State pointed out that his country's population was classified on a religious rather than an ethnic basis for several historical reasons and that the use of that criterion did not imply any discrimination whatsoever against any group. The Government's competence was to determine the amount of the subsidy to be given to each religious denomination and the number of representatives which each group was entitled to have in Parliament. Besides, freedom of conscience was guaranteed by the Constitution, and any attempt to do away with that classification system would be viewed by the Mauritian people as an attack on that freedom. He also stated that his country maintained no diplomatic relations with South Africa; however, it was still dependent to some extent on trade with South Africa. Efforts were being made in Mauritius to diversify trade and markets for exports, but they had not met with total success.

253. Members of the Committee expressed satisfaction that the report followed the guidelines established by the Committee and provided comprehensive replies to nearly all the questions put by them during the discussion of previous reports.

254. In connection with article 2 of the Convention, members of the Committee referred to the demographic composition of Mauritius and wished to know what groups existed in Mauritius according to the classification used in the country, to what extent ethnic groups and religious communities were coterminous, how many different religious communities there were and how many persons belonged to each, what were the relations between the different ethnic groups and religious communities, what was the extent of the separation among the different communities, what points of contact there were, apart from sporting events, between the élite minority community and the rest of the population, how the interests of minorities were protected, how elections were conducted and whether there were any differences in the economic conditions of the various groups of Mauritius. In this respect, members of the Committee wished to receive comparative figures for the school enrolment ratio, the literacy rate, the employment situation, the per capita income in rural and urban areas, and the housing situation of the different groups. They wished also to receive more details on the measures taken by the Government of Mauritius to preserve the multi-ethnic, multi-religious and multilingual character of the country, to bridge the economic gaps between groups, to bring about a more equitable distribution of the island's resources and to lessen racial prejudice.

255. As regards article 3 of the Convention, members commended the Government of Mauritius for its efforts to break its economic dependence on South Africa and wished to receive further information on those efforts. It was also asked what the current percentage of imports from South Africa was and how it compared with previous years.

256. Referring to article 4 of the Convention, members of the Committee observed that the enactment of adequate legislation was still necessary in Mauritius to meet the requirements of that article and requested further information on the action taken by the Government with respect to the introduction in the country of the Race Relations Bill. It was also noted, in this connection, that while the Government was contemplating the introduction of the Race Relations Bill, it had decided to refrain from asking people to state what ethnic group they belonged to, and it was asked how a race relations act could be effective if information on the racial composition of the population was no longer kept. In addition, it was asked how the laws of Mauritius dealt with groups or organizations which practised racial discrimination as distinct from their individual members and

whether there were still in the country private clubs that excluded individuals on racial grounds. With reference to section 77 of the Criminal Code dealing with abuse of authority by a public officer, it was asked whether a superior who ordered an arbitrary discriminatory act could be brought to account.

257. With regard to article 5 of the Convention, it was noted that, at the last general elections in Mauritius, one community, "the General Population", had been found to be under represented and that four members of that community had been appointed to readjust the electoral balance. It was asked, in this connection, who made up the "General Population", how large it was, and what was, in detail, the procedure which made it possible for the electoral balance to be readjusted after elections had been held. Explanations were also requested with regard to religious marriages, marriages between Mauritians and foreigners, and in respect to the freedom of the press and association after the end of the state of emergency in Mauritius, in 1978. Moreover, further details were requested on the amendments to the Constitution to make it possible to nationalize any sector of the economy. It was asked, in particular, whether the amendments affected any of the human rights provisions of the Constitution and whether any of the conditions which were normally imposed on the compulsory acquisition of property had been dispensed with. Members of the Committee also wished to know whether all groups of the population were affected by unemployment more or less equally, what was the progress made with regard to the proposed establishment of a national employment agency, whether the people had the right to form trade unions in both private under takings and State companies and what were the Government's efforts in the field of education, particularly those aimed at providing equal access for all to education and promoting literacy among the various groups of the population.

258. With reference to article 6, it was asked whether there had been any court cases relating to the abuse of authority, especially where allegations of discrimination by a public official were involved, and, if so, how they had been dealt with, and whether any of the cases in which legal aid had been provided to indigent litigants involved racial discrimination, and, if so, how they had been settled.

259. Further details were requested on the Mauritian Government's efforts to implement article 7 of the Convention. It was asked, in particular, whether there were any special programmes to make citizens aware of their basic rights under the Constitution and the Convention, and whether training was provided to sensitize officials to the need for racial tolerance.

260. Replying to some of the questions raised during the Committee's consideration of his Government's report, the representative of Mauritius provided further details on the demographic composition of his country's population and stated that Hindus represented 51 per cent of the population, Muslims accounted for 18 per cent, Chinese 2 per cent, and the General Population, who were descendants of Europeans, Africans or persons of mixed origin, and were all Christian, 29 per cent. A public debate was in progress on the question whether Mauritius should continue the classification based essentially on religious considerations. Opponents of the system were mainly the younger members of the population, and its supporters were primarily older persons. The advantages of the system were: firstly, that it helped to preserve the cultural and religious identity of the diverse groups; secondly, that while church and state were separate, freedom of conscience was guaranteed by the Constitution and each religion received a State subsidy determined by the number of its adherents; and thirdly, that eight seats in the Assembly could be filled by

representatives of minorities with the highest number of votes among those communities which were under represented or not represented at all. He pointed out that the members of each community were dispersed throughout the country and for this reason there was substantial intermingling of the population.

261. Referring to article 5 of the Convention, the representative stated that freedom of expression and freedom of the press were guaranteed by the Constitution and their suspension required, in addition to a proclamation of a state of emergency, the suspension of article 16 of the Constitution, which prohibited discrimination on grounds of race, caste, place of origin, political opinions, color or religion. Under the Constitution, the state of emergency could be proclaimed in certain circumstances, in particular, in cases of natural disasters. The Governor-General proclaimed the state of emergency, which must be approved by two thirds of the members of Parliament. It could last no longer than six months and could be terminated at any time by the Governor-General or Parliament. Furthermore, he explained that freedom of association was considered a basic right under article 13 of the Constitution which provided that everyone had the right to associate freely and, in particular, to establish and join trade unions, and that the right of citizens to defend their legitimate interests by going on strike was also guaranteed.

CERD A/42/18 (1987)

460. The seventh periodic report of Mauritius (CERD/C/131/Add.8) was considered by the Committee at its 782nd and 792nd meetings, on 5 and 12 March 1987 (CERD/C/SR.782 and SR.792), without the participation of a representative of the reporting State.

461. Members of the Committee requested more detailed information on the ethnic composition of the population, particularly since the annex to the report, which listed the population by religion, did not refer to the ethnic groups which composed the Mauritian community. The hope was expressed that the next periodic report would give a more realistic picture of the racial situation in Mauritius.

462. With regard to article 3, reference was made to the information given in previous reports of Mauritius concerning its relations with South Africa and the efforts of the Government to diversify its relations by turning towards countries other than South Africa, notwithstanding its traditional links. Additional information was requested on the status of its trade relations with South Africa, as well as on its activities with the Indian Ocean Commission Authority.

463. In relation to article 4, members of the Committee observed that significant gaps still remained in the application of that article. Information was requested as to how the Penal Code gave effect to the provisions of article 4. It was asked whether public officers who ordered an arbitrary discriminatory act were liable to criminal persecution or only to administrative sanctions. The hope was expressed that the Government would soon introduce the race relations bill referred to in the report, since specific legislation was needed to ensure the full application of article 4 of the Convention.

464. In relation to article 5 of the Convention, members of the Committee wished to receive more detailed information about the rate of unemployment and the way in which it affected the various ethnic groups, the electoral law in Mauritius, which allocated additional seats to the different ethnic groups on the basis of the 1972 census regardless of whether the members of those groups had voted or not, and on the limitations provided for in the Constitution regarding the freedom of the press, some of which were based on the need to prevent the expression of racial prejudice or discrimination, and it was asked whether there had been any cases in which those limitations had been applied in recent years.

465. Concerning article 6, information was requested about the legal remedies available to Mauritian inhabitants who believed themselves to be victims of violations of the rights recognized in the Convention.

466. Members also wished to receive ample information about the implementation of article 7 of the Convention.

CERD A/49/18 (1994)

268. At its 1028th meeting, on 10 March 1994 (see CERD/C/SR.1028), the Committee reviewed the implementation of the Convention by Mauritius based on its previous report (CERD/C/131/Add.8) and the consideration thereof by the Committee (see CERD/C/SR.782 and 792). The Committee noted that no new report had been received since 1984.

269. It was noted that, according to a 1990 estimate, the population of Mauritius was 1.12 million and was ethnically very complex. The majority of the inhabitants were Hindu, descended from the indentured field labourers transported from India after the emancipation of African, Malagasy and Creole slaves. The former bondsmen had gravitated towards towns and coastal villages, where 250,000 Creoles now lived. Muslims from South Asia numbered 150,000 and were mainly artisans and tradesmen. There was a Chinese middle class with fewer than 30,000 members and a European (Franco-Mauritian) plutocracy of 10,000.

270. Members of the Committee noted that the State party had not provided the additional information requested by the Committee at the examination of its previous report. At that time, the Committee had wished to know what measures had been taken to apply article 4 of the Convention; how unemployment had affected the standard of living of the various ethnic groups; what legal remedies were available to victims of racial discrimination; and whether access to primary, secondary and higher education was enjoyed equally by the various ethnic groups.

Concluding observations

271. At its 1037th meeting, on 15 March 1994, the Committee adopted the following concluding observations.

272. Regret is expressed that Mauritius has not submitted a report since 1984 and that it has not responded to the Committee's invitation to take part in its deliberations at the current session. It recalls that, in accordance with article 9 of the Convention, Mauritius is under the obligation to submit periodic reports on the measures that it has adopted with a view to giving effect to the provisions of the Convention. The State is therefore requested to comply fully with its reporting obligations under the Convention and to submit its periodic report without further delay. In this connection, the attention of the Government of Mauritius is drawn to the possibility, in case of difficulties encountered in the preparation of its report, of requesting technical assistance from the United Nations under the advisory services and technical assistance programme of the Centre for Human Rights.

273. It is noted that there have been no reports of human rights violations with a racial background in Mauritius and that the overall situation in the country does not provide grounds for serious concern. However, it is expected that the next report of the State party will contain more precise information concerning the ethnic composition of the population, measures taken to give effect to article 4 of the Convention and the availability of legal remedies for persons who believe themselves to be victims of violations of their rights as covered by the Convention. Information is also desired on how the educational system promotes tolerance among the racial and ethnic groups.

274. The Committee draws the attention of the State party to the amendment to article 8, paragraph 6, of the Convention, which was approved by the fifteenth meeting of States parties and by the

General Assembly in its resolution 47/111, and encourages the State party to expedite its action formally to accept that amendment.

CERD A/51/18 (1996)

539. At its 1173rd and 1174th meetings, held on 15 and 16 August 1996 (see CERD/C/SR.1173-1174), the Committee on the Elimination of Racial Discrimination considered the eighth to twelfth periodic reports on Mauritius (CERD/C/280/Add.2) and adopted, at its 1180th meeting, held on 21 August 1996, the following concluding observations.

A. Introduction

540. The Committee welcomes the eighth to twelfth periodic reports submitted by the Government of Mauritius and expresses its appreciation for the opportunity to resume the dialogue with the State Party, after nine years of interruption. The Committee also welcomes the detailed information provided orally by the high-level delegation in answer to the wide range of questions asked by members of the Committee.

541. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested the State Party to consider the possibility of making such a declaration.

B. Factors and difficulties impeding the implementation of the Convention

542. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Mauritius.

C. Positive aspects

543. The exemplary spirit of tolerance between the various racial and ethnic communities in Mauritius and the harmonious coexistence of their cultures are commended as they create a sound basis for the full and effective implementation of the Convention.

544. The establishment of a Human Rights Unit within the Ministry of Justice, to monitor the reporting procedures and to provide the various human rights treaty bodies with regular reports, is welcomed.

545. The proposed establishment of an equal opportunity commission, to compel employers in the private sector to afford equal opportunities to people of different origins, is also welcomed.

546. The possibility for judges to refer in their pronouncements to the provisions of the Convention and of any other human rights instrument, in addition to or in the absence of an existing provision of domestic law, is noted with satisfaction.

547. The system of the best losers, which provides for the nomination by the Electoral Commission of up to four members to the National Assembly from among the best losers in an election, with a view to balancing the representation of the various racial and ethnic communities within the National Assembly, is viewed with interest.

548. With regard to article 2 of the Convention, the adoption in July 1991 of section 282 of the Criminal Code, which makes it an offence to publish or distribute any threatening, abusive or insulting writings, to use in public any threatening, abusive or insulting gestures or to broadcast threatening, abusive or insulting matter, with intent to stir up contempt or hatred against any part of the population distinguished by race, caste, place of birth, color or creed, is noted with appreciation.

549. It is noted with appreciation that the full and equal enjoyment by everyone of the rights enumerated in article 5 of the Convention, and in particular the right to security of person, to marriage, to property, to freedom of thought, conscience and religion, to housing, to health and social security, to education and to participate in cultural activities, is guaranteed and ensured in Mauritius.

550. The amendment of the Citizenship Act in August 1995 is a welcome development, since it also lifted the obligation for foreign women, married to Mauritian citizens, to renounce their nationality if they want to become Mauritian citizens.

551. Concerning article 7 of the Convention, the various activities undertaken with non-governmental organizations, such as the programme "Teaching for Freedom" launched by Amnesty International, or with United Nations agencies, such as the programme introduced by UNICEF together with the Ministry of Education to sensitize children to the ideas of peace, tolerance and interdependence, are welcomed. Moreover, the elaboration in 1991 of the Master Plan on Education for the Year 2000, which provides for the teaching in schools of subjects to foster understanding, tolerance and friendship among nations and racial or ethnic groups, is noted with satisfaction.

D. Principal subjects of concern

552. The lack of statistical data on the ethnic and racial composition of the population, and on the representation of ethnic and racial communities at all levels of the economic, social and political spheres, is regretted. In this regard, the statement in paragraph 4 of the report that censuses in Mauritius do not indicate the breakdown of the population on an ethnic or racial basis, "in line with the government policy to promote a Mauritian identity amongst its people" is accepted by the Committee as long as it is not aimed at forced assimilation of people with different origins.

553. Concern is expressed that section 16 of the Constitution, which prohibits laws that are discriminatory by their terms or in their effects, does not apply to laws with respect to marriage, adoption, divorce, succession or other matters regarding private law.

554. With regard to the implementation of article 4 of the Convention, it is noted with concern that the relevant provisions of Mauritian legislation do not prohibit organizations and organized propaganda activities which promote racial discrimination, as provided for in article 4 (b) of the Convention.

555. The lack of practical information on the implementation of the various constitutional and legal texts dealing with the prohibition of racial discrimination, on their possible violation and on

measures taken in such cases, with particular reference to articles 4 and 6 of the Convention, is regretted.

E. Suggestions and recommendations

556. The Committee recommends that in its next periodic report the Government of Mauritius supply statistical data on the composition of the population and on the representation of all of the ethnic and racial communities in the political and economic sectors. The Committee would also welcome social and economic indicators on the Mauritian population.

557. The Committee underlines the importance of the explicit prohibition of discriminatory legislation. In this regard, the Committee recommends that the prohibition of such discriminatory legislation, found in section 16 of the Constitution, be extended to all matters of private law.

558. The Committee emphasizes that the provisions of article 4 of the Convention are mandatory. It thus recommends that legislative measures be taken to implement article 4 (b) of the Convention.

559. The Committee recommends that the next periodic report contain complete information on the implementation of the various provisions on the elimination of racial discrimination in practice and on possible complaints and sentences imposed for acts of racial or ethnic discrimination or in cases of incitement to racial discrimination.

560. The Committee suggests that the State Party's report and the Committee's concluding observations be widely publicized in Mauritius.

561. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6 of the Convention, adopted by the fourteenth meeting of States Parties.

562. The Committee recommends that the State Party's next periodic report be a comprehensive report and that it address all the points raised in the present observations.

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223. The Committee considered the thirteenth and fourteenth periodic reports of Mauritius, submitted as one document (CERD/C/362/Add.2), at its 1401st and 1402nd meetings (CERD/C/SR.1401 and 1402), held on 31 July and 1 August 2000. At its 1414th meeting (CERD/C/SR.1414), held on 10 August 2000, it adopted the following concluding observations.

1. Introduction

224. The Committee welcomes the detailed report submitted by the State party, which was drafted taking account of the reporting guidelines of the Committee, as well as the additional information provided orally by the delegation. It also welcomes the constructive dialogue pursued with the State party.

225. The Committee was encouraged by the fact that the Government was represented by a high-ranking delegation; its direct and constructive replies to the questions asked and its comments were much appreciated.

2. Positive aspects

226. The Committee notes the multi-ethnic diversity of the population of Mauritius and the harmony in which its various constituent ethnic groups live. The State party's experience regarding ethnic and racial problems is thus very instructive in the view of the members of the Committee.

227. The Committee notes with satisfaction that since the consideration of its last periodic report, the State party has established two new institutions, namely the National Human Rights Commission and the Committee on Poverty, both of which will contribute to combating racial discrimination.

228. Lastly, the Committee welcomes the forthcoming adoption of the Equal Opportunities Act, aimed at the implementation of article 5 of the Convention, and the introduction of a Public Security Act punishing any act or conduct inciting to racial hatred, in conformity with article 4 of the Convention.

3. Concerns and recommendations

229. The Committee reminds the State party that the existence of constitutional and legislative provisions prohibiting racial discrimination and incitement to racial hatred and the absence of judicial decisions relating to such acts does not mean that there is no racial discrimination in Mauritian society. It is therefore essential to inform the public of the existence of such legal provisions.

230. The Committee notes that the State party has not provided it with sufficient information about the rioting that broke out between Creole groups and groups of Indian origin following the death of a popular singer at a police station. The Committee would like to know the results of the inquiry on this issue.

231. Despite its previous requests, the Committee notes that it has still not been provided with statistical data on the ethnic composition of Mauritian society. The Committee would appreciate information on the ethnic and gender composition of the population to be included in the next report.

232. Since the National Human Rights Commission and the Committee on Poverty are very recent institutions, the State party is also invited, in its next report, to provide further information on their functioning and the results of their activities, with particular reference to problems of racial discrimination.

233. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested the State party to consider the possibility of making such a declaration.

234. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

235. The Committee recommends that the State party's periodic reports be made widely available to the public from the time they are submitted and that the Committee's concluding observations be similarly publicized.

236. The Committee recommends that the State party's next periodic report, due on 29 June 2001, be an updating report and that it address the points raised in the present observations.