Mr. Chairperson,

Distinguished Members of the Committee,

Ladies and Gentlemen,

On behalf of the Government of Mauritius, it is my immense privilege to present the fifteenth, sixteenth, seventeenth, eighteenth and nineteenth combined Periodic Report of the Republic of Mauritius under the International Convention on the Elimination of All Forms of Racial Discrimination.

I should like at the outset to acknowledge the unwavering efforts of the Committee on the Elimination of Racial Discrimination in its relentless battle for the elimination of racial discrimination all over the world.

This presentation shall, I trust, Mr. Chairperson and distinguished Members of the Committee, provide the Committee with further insight into measures taken by Mauritius to ensure compliance with the Convention in order to prevent racial
discrimination in our country in all spheres and ensure that Mauritius is a peaceful haven where people live in harmony and without fear in a multiracial and multicultural society.

Mr. Chairperson and distinguished Members of the Committee, my delegation feels deeply honoured today to have been called upon to engage in a frank and constructive dialogue on the implementation by Mauritius of its obligations under the Convention.

Mr Chairperson,

Let me take this opportunity to introduce the members of my delegation-

- Mrs Kan Oye Fong Weng-Poorun, Senior Chief Executive, Prime Minister's Office, Home Affairs;

- H. E Mr Israhyananda Dhalladoo, Ambassador and Permanent Representative of Mauritius in Geneva;

- Mrs. Prameeta Goordyal-Chittoo, Acting Assistant Parliamentary Counsel, Attorney-General’s Office;

- Mr. Adam Koodoruth and Mrs. Dilshaad Uteem, both First Secretaries, and Miss Sandrine Koa Wing, Second Secretary at the Mauritius Mission to the UN in Geneva; and Mr. Rajen Narsinghen, Economic and Trade Adviser at the Mauritius Mission to the UN in Geneva.
Mr. Chairperson,

Mauritius is fully committed to the promotion and protection of human rights. As a founding member of the Human Rights Council on which it has served two terms until the end of last year, Mauritius has actively participated in the work of the Council to contribute to the safeguard of human rights worldwide. Mauritius is party to all major international human rights instruments. It has also ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in February 2008; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in October 2008; the Convention on the Rights of Persons with Disabilities in January 2010; and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in June 2011.

Despite its constraints as a small island developing State, Mauritius has always strived to honour its reporting obligations under the Convention. Since Mauritius has had over the past few years to submit reports to a number of treaty bodies besides being reviewed under the Universal Periodic Review mechanism, our latest report under the Convention has unavoidably been submitted with some delay. Mr. Chairperson, let me assure you that such a state of affairs should not be seen as a lack of respect towards the Committee or for our obligations under the Convention.
Mr. Chairperson,

Since its independence in 1968, Mauritius has spared no effort to foster its development based on the universal values of democracy, good governance, the rule of law, promotion and protection of human rights and fundamental freedoms and to build a nation where our citizens remain at the very core of such development.

The Constitution of Mauritius guarantees to all Mauritians the right to equal protection and benefit of the law without discrimination based on race, caste, place of origin, political opinions, colour, creed or sex, and this, in order to maintain and strengthen an environment conducive to equal opportunities and equality for our people. In addition, Mauritius has enacted various pieces of legislation in order to honour its obligations under the Convention. A wide range of policies and programmes have been put into place in order to achieve this objective.

I should like to highlight some of the key measures undertaken by Mauritius to address racial discrimination as these measures relate to the themes that the Committee has outlined for our discussion.

The Equal Opportunities Commission which was set up on 24 April 2012 is the embodiment of the clear commitment of Mauritius against all forms of discrimination. Under the Equal Opportunities Act, a direct or indirect
discrimination is a less favourable treatment on the basis of status. The definition of “status” includes caste, ethnic origin, colour, creed, place of origin and race thereby further buttressing the safeguards against all forms of racial discrimination. The Equal Opportunities Commission fulfills the role of watchdog. The aim of the Equal Opportunities Commission is to eliminate discrimination in all sectors. The mandate of the Equal Opportunities Commission also extends to the promotion of good relations between people of different status with a view to further strengthening the already existing foundations of nation building within a harmony woven spectrum. The Equal Opportunities Commission not only examines and investigates into complaints referred to it but it equally investigates proprio motu into cases where it believes that an act of discrimination may have been or may be committed. Furthermore, the Equal Opportunities Commission is publishing guidelines and codes of conduct by the end of this month for all employers be it from the public or private sector in view of the implementation of an equal opportunity policy by all employers, a mandatory requirement under the Equal Opportunities Act. This Equal Opportunity Policy will ensure transparency and good governance in the running of organizations and secure a merit-only based system within which the criteria for selection, promotion, recruitment, training and employment at large are talent, competence and willingness to work, thus promoting the spirit of meritocracy and thereby satisfying the aspirations of the population for an equitable, fair and just society.
The Equal Opportunities Commission has the duty to attempt resolving matters through conciliation, in line with its commitments to the promotion of good relations between persons of a different status. An Equal Opportunities Tribunal has also been set up. Should the conciliatory procedure fail at the level of the Equal Opportunities Commission, the latter, may with the consent of the complainant refer the matter to the Equal Opportunities Tribunal which has the power to issue orders, directives and make compensatory awards. The Equal Opportunities Commission may also apply for interim orders before the Equal Opportunities Tribunal should the circumstances require urgent intervention in the public interest and in order to prevent further prejudice being caused to aggrieved parties. Non-compliance with an order and/or directive of the Equal Opportunities Tribunal will entail criminal prosecution which may, on conviction, lead to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 5 years.

In addition, we are pleased to announce the recent enactment of several pieces of legislation which will strengthen our human rights framework. The Protection of Human Rights Act has been amended to, inter alia, cater for our obligations under the Optional Protocol to the Convention against Torture in as much as the amendment aims at providing for a National Preventive Mechanism to be set up within the National Human Rights Commission and at enabling the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or
Punishment to discharge its functions under the Optional Protocol in Mauritius. The amendment to the Protection of Human Rights Act equally provides for the setting up within the National Human Rights Commission, of a Police Complaints Division to investigate complaints made against members of the Police Force, other than allegations of corruption and money laundering. The said Police Complaints Division is also empowered to investigate the death of any person which has occurred whilst in police custody or as a result of police action and to advise on ways in which any police misconduct may be addressed and eliminated.

The amendment to the Protection of Human Rights Act has also reviewed the functions of the National Human Rights Commission and its mandate has been broadened so as to ensure better promotion and protection of human rights. The Commission now is empowered to review safeguards provided by or under any enactment for the protection of human rights as well as factors or difficulties that inhibit the enjoyment of human rights. The Commission may submit to the Minister any opinion, recommendation, proposal or report on any matter concerning the promotion and protection of human rights. The functions of the Commission equally include the promotion of the harmonisation of national legislation and practices with the international human rights instruments to which Mauritius is a party, and ensuring their effective implementation.

The National Human Rights Commission has also been given the autonomy to engage suitable persons or bodies to enable it to discharge the specific functions of
each Division in an independent manner.

Mr Chairperson,

As one would put it in French, the National Human Rights Commission “est un pilier incontournable dans la promotion et protection des droits humains”. It plays a crucial role in upholding the rule of law and preventing human rights violations. Being fully compliant with the Paris Principles, the Commission is duty bound to ensure, by monitoring and addressing core human rights concerns, that our national laws and practices comply with international human rights norms.

We should also wish to highlight that the Local Government Act, which was passed in 2011, provides that any group presenting more than 2 candidates in an electoral ward during Municipal Council and Village Council elections shall ensure that the candidates are not of the same sex. The Constitution was also amended in that regard. As a result, there was a significant increase in the number of women standing as candidates and elected at the recent Municipal Council and Village Council elections.

Furthermore, the Legal Aid Act was amended last year in order to provide, in line with the recommendations of the Presidential Commission chaired by Lord Mackay of Clashfern, former Lord Chancellor of the United Kingdom, for legal assistance and legal aid to be available to a wide range of persons in need. In fact, legal assistance, in the form of free legal advice and counseling at the police enquiry stage and free legal representation at bail applications, is now available in prescribed
circumstances. It is of interest to note that the monthly income threshold and the value of property has been raised from Rs 5,000 to Rs 10,000 and Rs 75,000 to Rs 500,000 respectively in order to qualify for legal aid.

The Training and Employment of Disabled Persons Act was also amended in 2012 to make better provision for the promotion of the access of persons with disabilities to employment. The definition of “disabled person” has been reviewed under the said Act and now encompasses a person who is certified by the Training and Employment of Disabled Persons Board to have a long term physical disfigurement or physical, mental or sensory disability, including a visual, hearing or speech functional disability, which gives rise to barriers or prejudices impeding his participation at an equal level with other members of society in major life activities, undertakings or fields of employment that are open to other members of society and, of course, who is willing and able to work.

Mr. Chairperson,

Mauritius has always taken pride in its multiracial, multi-ethnic and multicultural society, and our efforts have always focused on a cohesive pluralistic society where unity and diversity continue to remain the bedrock for development and progress of our people.
Mauritius endeavours to place ‘people’ and ‘society’ at the forefront of its development, as clearly spelt out in the Government Programme 2012-2015 entitled ‘Moving the Nation Forward’. We believe that people who are healthy, well-educated and socially, economically and culturally empowered are engaged citizens and produce a successful nation. Developing an individual’s full potential is both an endorsement of his basic rights as well as enabling him to contribute to the socio-economic development of the country.

In the Programme, Government has stressed the need for constitutional reforms, including reform of our electoral system to ensure a system which is more equitable, and which promotes nation-building and provides for better representation of women. In fact, the Prime Minister has given the assurance to the National Assembly that it is the firm intention of Government to come forward with proposals for the reform of our electoral system which shall endeavour to suit the long term interest of the country and which shall also promote stability, fairness, inclusiveness, gender representation, transparency and accountability.

Mr Chairperson,

We are pleased to announce that the National Human Rights Action Plan 2012-2020 has recently been launched. It aims at strengthening the National Human Rights Framework to protect and safeguard civil and political rights and secure greater realization of economic, social and cultural rights. The National Action Plan on
Human Rights is a landmark on the human rights landscape of Mauritius. It shows where we stand, what we have achieved in terms of the legislative framework and the policies and programmes of Government and charts the way forward in the field of human rights.

A Human Rights Monitoring Committee comprising all human rights stakeholders including non-governmental organizations, Ministries and Departments, National Human Rights Institutions and the private sector, has been set up by the Prime Minister’s Office to ensure the implementation of the recommendations of the National Action Plan. We are also currently preparing a database of human rights structural process and outcome indicators which will enable us to monitor our own performance on the basis of clear cut targets.

Our human rights sensitization and training programmes for officers of the public service, youths, representatives of non-governmental organizations and citizens are ongoing in youth centres and Citizens Advice Bureaux around the island. We strongly believe that the Human Rights Education programme carried out in youth centres is essential in ensuring that respect for the rights of others is passed on to future generations of this country. Human rights also form part of the content of the training modules for the disciplined forces. The International Convention on the Elimination of all Forms of Racial Discrimination is covered in all human rights training programmes.
Television programmes on human rights have been launched in collaboration with the Mauritius Broadcasting Corporation in order to strengthen the human rights culture among all sections of the population and to inform each target group about its rights.

Further, a human rights portal was launched on 10 December 2012 as a means of communicating our human rights strategy, both at national and international levels. It also acts as a platform for bringing together all human rights partners, including policy makers, trainers, students, National Human Rights Institutions and non-governmental organizations.

Mr Chairperson,

We have taken note that one of the themes that the Committee shall examine relates to the “creole” community. May the Committee rest assured that our Constitution and the rule of law in our democracy guarantee non-discrimination between communities. Policies and programmes are meant for the whole population, irrespective of their race, colour, creed, or ethnic origin. The creole community enjoys the same economic, social and cultural rights as other communities. Specific projects are targeted towards improving the lot of the poor in all communities.
It is to be noted that creole language is now taught in schools and there is a television channel dedicated to the creole language. A creole-speaking union caters for the preservation and promotion of creole as an ancestral language, thus contributing towards the positive and progressive affirmation of the creole identity.

The Committee will also be pleased to learn that as from 2010, a new Ministry, that of the Ministry of Social Integration and Economic Empowerment has been specially created to look into matters touching poverty including empowerment of the poor. From a survey carried out by the National Empowerment Foundation which falls under the Ministry of Social Integration and Economic Empowerment, there are around 10,200 households, that is, approximately 40,000 persons, from all religious groups, living below the poverty threshold. Special programmes have been put in place for needy families such as the grant of social aid, construction of special housing units, child and family development programmes and grant of school materials.

Mr. Chairperson,

History worldwide has shown that wherever there has been slavery, the sequels unfortunately pervade for many centuries and the risk of social harmony being disrupted is present if same are not addressed. It is in the spirit of spirit of reconciliation that the Truth and Justice Commission was set up in 2009 to conduct enquiries into slavery and indentured labour during the colonial period. The Commission was entrusted with the task, among others, of determining appropriate
measures to be extended to descendants of slaves and indentured labourers. The report of the Truth and Justice Commission was laid before the National Assembly on 28th November 2011.

Government has set up an Inter-Ministerial High Powered Committee to look into the implementation of the recommendations contained in the said Report. The implications of implementing all the recommendations are far reaching and require an enormous budget. However, nineteen of these recommendations are currently under implementation whilst the rest are being studied by the Inter-Ministerial High Powered Committee.

As regards the qualms of the Committee in relation to the issue of casteism, we have to report that castes have no recognition in the laws of Mauritius. However early settlement of the first diasporas has brought along customs and usages from native lands. Caste-based prejudices were, therefore, imbedded in the mindsets of the older generations. Nonetheless, Mauritius is determined to leave no stone unturned in the progress towards the total elimination of the difficulties hindering the way to nation building. Alive to the fact that a better social order can only be achieved with the integration of equality principles in the social equation, Mauritius has further buttressed its legal framework in that respect with the coming into force of the Equal Opportunities Act and the setting up of an Equal Opportunities Commission mandated not only to work towards the elimination of discrimination
which could be based on caste but also to promote good relations amongst people of different social status.

Mr Chairperson,

Following the adoption by the Committee on 1 September 2011 of its Concluding Observations on the 18th to 20th periodic reports of the United Kingdom, the Government of Mauritius had written to the Committee to draw its attention to the fact that although Mauritius has sovereignty over the Chagos Archipelago, including Diego Garcia, it is being prevented from exercising its rights over the Chagos Archipelago because of the de facto control of the United Kingdom over the Archipelago. The Chagos Archipelago was illegally excised from the territory of Mauritius prior to its accession to independence, in violation of international law and United Nations General Assembly Resolutions 1514 (XV) of 14 December 1960, 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

The excision of the Chagos Archipelago also involved the shameful eviction by the United Kingdom of the Mauritians who were residing at the time in the Archipelago, in total disregard of their human rights and this, in order to pave the way for the establishment of a military base by the United States in Diego Garcia. Most of those Mauritians, who are referred to as “Chagossians”, were removed to Mauritius.
Since the illegal excision of the Chagos Archipelago, Mauritius has consistently pressed the United Kingdom for the early and unconditional return of the Chagos Archipelago to its effective control whilst firmly supporting the right of the Chagossians as Mauritian citizens, to be allowed to exercise their right of return to the Archipelago in accordance with international law, including the right of return reflected in the Convention.

Since the United Kingdom, which exercises de facto but unlawful control over the Chagos Archipelago, has acted and continues to act in violation of Articles 2 and 5 of the Convention by, inter alia, preventing the exercise of the right of return of the former inhabitants of the Chagos Archipelago, as well as the right of entry of other Mauritian nationals, the Government of Mauritius has invited the Government of the United Kingdom to engage in negotiation within the meaning of Article 22 of the Convention, with a view to an early resolution of the dispute. It is a matter of regret that the United Kingdom has refused to accept the invitation of Mauritius to commence negotiations under the Convention.

As Chagossians are fully-fledged citizens of Mauritius, they enjoy the same rights as other Mauritian citizens. However, with a view to improving the well-being of the Chagossians, the Government of Mauritius has taken special measures in their favour. These measures include the donation of land for the construction of houses and the setting up of the Chagossian Welfare Fund. In fact, in 2012, the
Chagossian Welfare Fund Act was amended to provide for children of members of the Chagossian community to be represented on the Board of the Fund.

I should also wish to point out that Mauritius has not as at date made the declaration provided for in Article 14 of the Convention. However, Government is still considering the matter. Adequate safeguards exist at domestic level to secure redress.

In as much as the non-ratification as at date by Mauritius of amendments to Article 8, paragraph 6 is concerned, we would wish to draw the attention of the Committee that Mauritius is a contributory to a number of regional and international bodies and in the context of the worldwide economic difficulties, Mauritius is still unfortunately not in a position to ratify the said amendment to Article 8 for the time being.

In the list of themes submitted by the Committee, the issue of data on ethnic composition has equally been raised. I have to point out that Mauritius strongly advocates and encourages the unity of the diverse communities. In this regard, the compilation of statistics on ethnic composition is viewed as a very divisive question which can jeopardize the unity of our Mauritian nation. It is, therefore, felt that it would serve no purpose to collect data on community since all categories of persons are treated equally irrespective of the community to which they belong.
Mr Chairperson,

Our combined Report seeks to respond to the list of issues set out by the Committee by outlining the legislative, judicial, administrative and other measures which give effect to the provisions of the Convention in Mauritius.

The Government of Mauritius attaches great importance to the International Convention on the Elimination of All Forms of Racial Discrimination and is committed to ensuring full compliance with its international obligations under the Convention and other core human rights treaties to which it is a party.

I should like to stress that in compliance with its obligations under the Convention, Mauritius endeavours to fight all forms of prejudice which may be perceived as leading to situations of racial discrimination or communal hatred and all efforts are being put in to consolidate and build upon the strong foundation of cultural pluralism which it regards as being the best guarantor of non-discrimination. Additionally, sustained efforts are being made to foster inherent respect for pluralism and tolerance in the minds of the youth through the education system and the media. School curricula include human rights education to ensure respect for human rights.
Finally, Mr. Chairperson, allow me, on behalf of the Government and the people of Mauritius, to extend our appreciation of the Committee’s work and to reassure you that, Mauritius, as a signatory of the International Convention on the Elimination of All Forms of Racial Discrimination, shall continue to work towards the elimination of racial discrimination in whatever form in order to uphold the equality of each and every one Mauritius and to ensure that we are in compliance with our obligations under the Convention.

My delegation is now ready to respond to the Committee’s questions.

Thank you.