



**PERMANENT MISSION OF THE REPUBLIC OF MAURITIUS TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANISATIONS**

**MISSION PERMANENTE DE LA REPUBLIQUE DE MAURICE AUPRES DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES**

No. 270/2010 MMG/COM/1/1

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and has the honour to refer to the letter dated 3 August 2010 from the High Commissioner for Human Rights inviting contributions with regard to implementing the prohibition of incitement to hatred through national legislation, judicial practices and different types of policies.

The Permanent Mission of Mauritius wishes to submit the following information in this regard:

Legislations

Provisions in the Constitution of Mauritius

1. Section 3 of the Constitution provides that without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to the respect for rights and freedoms of others, each and all in Mauritius will enjoy the following human rights and fundamental freedoms:

- (a) The right of the individual to life, liberty, security of the person and the protection of the law;
- (b) Freedom of conscience, of expression, of assembly and association and freedoms to establish schools; and
- (c) The right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation.

2. The main provision related to the abovementioned subject matter is Section 16 of the Constitution which states that no discrimination can be exercised on grounds of colour, race, caste, place of origin or religious belief. Any law that contravenes Section 16 will be struck down as unconstitutional and will be declared null and void by the Supreme Court of Mauritius.

3. Section 11 of the Constitution provides for the protection of the freedom of conscience. In accordance with Section 11(1), no person shall be hindered in the enjoyment of his freedom of conscience and that freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

4. It is also to be noted that Section 7 of the Constitution provides for protection from inhuman treatment; Section 12 for protection of freedom of expression; and Section 13 for protection of freedom of assembly and association.

Other legislations in Mauritius

5. The Equal Opportunities Act 2008 also covers the different grounds of discrimination referred to in Sections 3 and 16 of the Constitution, as well as age, pregnancy, mental and physical disability and sexual orientation in areas dealing with employment, education, accommodation, goods and services and other facilities. The Act also makes provision for the establishment of an Equal Opportunities Commission and Equal Opportunities Tribunal.

6. A National Human Rights Commission (NHRC) has been set up in 2001 under the Human Rights Act 1998. The NHRC has the jurisdiction to receive complaints with respect to breaches of Section 16 of the Constitution and to make recommendations to the Director of Public Prosecutions and other authorities.

7. The Criminal Code Act punishes, in accordance with its Section 282, any offence of stirring up racial hatred. The very existence of the offence and the severity of the punishment that may be imposed to preserve peace and harmony in a multiracial country like Mauritius serve as a strong deterrent to prevent persons from engaging in such illicit activities.

8. Moreover, the Second Schedule of the Independent Broadcasting Act establishes a Code of Conduct for broadcasting service. As per this Code, broadcasting licensees shall not broadcast any material which is indecent, obscene or offensive to public morals or offensive to religious convictions or feelings of any section of the population or likely to prejudice the safety of the State.

Judicial practices

9. Judicial practices in Mauritius do not condone any racism. Every citizen is entitled to equal protection under Sections 3, 5 and 10 of the Constitution and the other enacted legislations.

Policies

10. The Ministry of Education and Human Resources does carry out several activities to implement the Protection of Human Rights as defined in the various Covenants of the UN Human Rights System. In this respect, dissemination and sensitisation campaigns are organised with the assistance of other Ministries, NGOs and the Ombudsperson for

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Children to inform school children of their rights and responsibilities and the need to respect the rights of others in all areas including culture and religion.

11. The abovementioned Ministry has also established contacts with a few international institutions with a view to including Human Rights and Humanitarian Law in the curricula of Primary and Secondary schools in Mauritius.

12. A Mauritian Cultural Centre Trust established in 2001 operates under the aegis of the Ministry of Arts & Culture to promote Mauritian Culture and the development of a plural Mauritian Cultural identity. It also promotes the understanding and practice of the different cultural and religious traditions in Mauritius in collaboration among others, with the other Cultural Centres both at national and international levels.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Permanent Mission of India the assurances of its highest consideration.

Geneva, 3 November 2010



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