



**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. 342 / 2012 (MMG/HR/ 28/ 1)**

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to its Note dated 24<sup>th</sup> October 2012 inviting Member States to submit relevant information for the report on discrimination against women in nationality-related matters, including the impact on children, has the honour to attach herewith the submissions of the Government of the Republic of Mauritius.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



**Geneva, 17<sup>th</sup> December 2012**

**OHCHR REGISTRY**

**17 DEC 2012**

Recipients : *E. B. Romero*

**Office of the High Commissioner for Human Rights**

**Palais Wilson**

**CH 1211 Geneva 10**

**Report on discrimination against women in nationality-related matters, including the impact on children - Human Rights Council Resolution 20/4.**

Under the Mauritian Citizenship act, there is no difference in treatment with regard to nationality of Mauritian citizens who marry foreigners;

The Mauritian legislation allows for dual nationality and a Mauritian citizen does not lose his/her Mauritian nationality automatically upon marriage/dissolution of marriage. Furthermore, similar procedures under the Mauritius Citizenship Act apply for the registration of foreign spouses, both male and female, as Mauritian citizens;

There are no limitations on conferral of nationality by women on their children as compared to what is obtained by male citizens; and

The Mauritius Citizenship Act which is in force since 1968, provides that no person shall be deprived of his citizenship where it appears that the person would become stateless.

Section 3 of the Constitution entitled "*Fundamental rights and freedoms of the individual*" reads as follows:

It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms -

- (a) The right of the individual to life, liberty, security of the person and the protection to the law;
- (b) Freedom of conscience, of expression, of assembly and association and freedom 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,

and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

Section 16 of the Constitution provides that no law shall make any provision that is discriminatory either or itself or in its effect. The term "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description. Section 17 of the Constitution provides that a citizen who alleges that his right under, *inter alia*, section 16 of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress.

The Equal Opportunities Act (EOA) ensures better protection from discrimination as it prohibits both direct and indirect discrimination on the grounds of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. The EOA also prohibits discrimination by victimisation.

Rights to acquire, change or retain nationality.

The Constitution guarantees the same rights for married women as for men to acquire, change or retain nationality.

**Impact of marriage to a non-citizen**

Marriage of a Mauritian woman to a non-citizen or a change in nationality of the husband does not result in the loss of Mauritian citizenship by the woman unless she herself changes her nationality. Further, the foreign husband can (if he wants to) apply for Mauritian citizenship, and the conferment of Mauritian citizenship is provided if the criteria under section 7 of the Mauritius Citizenship Act are satisfied.

Section 23 of the Constitution stipulates that a person born outside Mauritius after 11 March 1968 shall become a citizen of Mauritius at the date of his birth if at that date either his parents is a citizen of Mauritius otherwise than by virtue of this section or section 20(3) of the Constitution.

Section 12 of the Mauritius Citizenship Act provides that the Minister may, by Order, deprive of his citizenship a citizen of Mauritius who has acquired citizenship by registration or naturalisation where he is satisfied that the citizen has, while full of age and capacity, claimed and exercised in a foreign country or in any other country under the law of which provision is made for conferring on its own citizens' rights not available to Commonwealth citizens generally, any right available to him under the law of that country, being a right granted exclusively to its own nationals or citizens. However, the Minister shall not deprive any person of his citizenship of Mauritius where it appears to him that the person would become stateless.