

**International Human Rights
Instruments**

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**Common core document forming part of the
reports of States parties****United Kingdom of Great Britain and Northern
Ireland***


[17 June 2014]

* The present document is being issued without formal editing.

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List of abbreviations

BOT =	British Overseas Territory
CAT =	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CD =	Crown Dependency
CEDAW =	Convention on the Elimination of All Forms of Discrimination against Women
CRC =	Convention on the Rights of the Child
CRPD =	Convention on the Rights of Persons with Disabilities
ECHR =	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECNI =	Equality Commission for Northern Ireland ¹
ECSC =	Eastern Caribbean Supreme Court ²
EHRC =	Equality and Human Rights Commission ³
EU =	European Union
Geneva 1 =	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
Geneva 2 =	Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
Geneva 3 =	Geneva Convention relative to the Treatment of Prisoners of War
Geneva 4 =	Geneva Convention relative to the Protection of Civilian Persons in Time of War
GROS =	General Register Office for Scotland
HM =	Her Majesty's
ICCPR =	International Covenant on Civil and Political Rights
ICCPR-OP2 =	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
ICERD =	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR =	International Covenant on Economic, Social and Cultural Rights
ILO =	International Labour Organization
ISD Scotland =	Information Services Division Scotland
JCHR =	UK Parliament Joint Committee on Human Rights
JCPC =	Judicial Committee of the Privy Council ⁴

¹ www.equalityni.org.

² <http://www.eccourts.org/>.

³ <http://www.equalityhumanrights.com/>.

NGO =	Non-governmental organisation
NHRI =	National Human Rights Institutions (in the UK, they include the: EHRC; SHRC; NIHRC)
NIHRC =	Northern Ireland Human Rights Commission ⁵
NISRA =	Northern Ireland Statistics and Research Agency
OFCOM =	Office of Communications
ONS =	Office for National Statistics
OP-CAT =	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CEDAW =	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
OP-CRC-AC =	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
OP-CRC-SC =	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
OP-CRPD =	Optional Protocol to the Convention on the Rights of Persons with Disabilities
Protocol 1 =	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I)
Protocol 2 =	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II)
Protocol 3 =	Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)
SHRC =	Scottish Human Rights Commission ⁶
UK =	United Kingdom
UN =	United Nations
UNRG =	United Nations Reporting Guidelines ⁷
UPR =	Universal periodic review

⁴ <http://jcpc.uk/>.

⁵ <http://www.nihrc.org/>.

⁶ <http://www.scottishhumanrights.com/>.

⁷ United Nations, Compilation of Guidelines on the form and content of reports to be submitted by States Parties to the International Human Rights Treaties, 3 June 2009 (downloadable from http://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-2-REV-6_en.doc).

Introduction

1. This Core Document covers the United Kingdom, and also the British Overseas Territories and the Crown Dependencies which are not part of the UK but for which the UK is responsible on international relations and defence. The total word count is below the limit of 42,400 words introduced by the Office of the United Nations High Commissioner for Human Rights on 8 May 2014⁸.

British Overseas Territories

56. There are fourteen British Overseas Territories (BOTs): Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno; St Helena, Ascension, and Tristan da Cunha; South Georgia and South Sandwich Islands; Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus; Turks and Caicos Islands; Virgin Islands (commonly known as the British Virgin Islands).

57. The British Antarctic Territory, the British Indian Ocean Territory, South Georgia and South Sandwich Islands, and the Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus do not have a permanent indigenous human population. The Core Document will therefore only focus on the other BOTs (an increasing amount of information on these Territories is available on the internet²³³).

²³³ <https://www.gov.uk/government/publications/overseas-territories-governments-on-the-web/overseas-territories-governments-on-social-media>.

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Introduction

1. The Common Core Document has been prepared in line with the harmonised guidelines of the Human Rights Committee regarding the form and content of periodic reports to be submitted by State Parties. It has been prepared by the Prime Minister's Office and is the result of a participatory and collaborative process involving the relevant ministries and departments and civil society organisations, whilst taking into account inputs from the private sector as well as the national human rights institutions.

2. The Common Core Document contains general information on the demographic, economic, social and cultural characteristics of the country as well as its constitutional, political and legal structure.

I. General information

A. Demographic, economic, social and cultural characteristics of Mauritius

3. The Republic of Mauritius, located in the south-west of the Indian Ocean, consists of the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago including Diego Garcia and any other island comprised in the State of Mauritius. The two main islands are the Island of Mauritius (1, 865 sq km) and the Island of Rodrigues (104 sq km). The Republic of Mauritius has a population of about 1.3 million with an estimated resident population of 1,220 663 in Mauritius and 41, 942 in Rodrigues as at July 2015. Mauritius does not have an indigenous population.



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Seventeenth periodic reports of States parties due in 2002

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

[28 November 2002]

* This document contains the sixteenth and seventeenth periodic reports of the United Kingdom of Great Britain and Northern Ireland, due on 6 April 2000 and 2002, respectively submitted in one document. For the fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/338/Add.12 Part II and CERD/C/SR.1420, 1421 and 1430.

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**PART 1. UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

1. The United Kingdom submits its sixteenth periodic report on the legislative, administrative and other measures it has taken during the period ending on 31 March 2002 in order to give effect to the International Convention on the Elimination of All Forms of Racial Discrimination.

I. INTRODUCTION

2. The Government of the United Kingdom is firmly committed to the elimination of all forms of racism and to the development of policies which address racial discrimination, intolerance and violence. The Government's aim is the construction of cohesive communities in which every individual, of whatever racial or ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities. The United Kingdom has a comprehensive body of legislation to combat racial discrimination, which is summarized later in the present report and includes recent improvements to that legislation.

3. A number of events over recent years, including the racist murder of Stephen Lawrence and the findings of the subsequent enquiry, the outbreak of disturbances in a number of northern English cities in 2001 and the aftermath of the terrorist attacks of 11 September 2001, have highlighted the fact that a sound legislative base must be reinforced by policies and commitment by all levels of government to tackle racism within public institutions and the wider communities. The present report summarizes the Government's strategy on racial equality, including the Community Cohesion Initiative, which was launched in response to the disturbances of summer 2001, and updates the Committee on important cross-departmental initiatives such as the work of the Social Exclusion Unit.

4. Taken together, the legislative changes and policy initiatives summarized in the present report constitute the most radical shake-up of race equality issues in 25 years. They provide a base on which the Government will develop its plans to promote race equality further. The performance management regime established under the Race Equality in Public Services Initiative will underscore those further plans, and provide a mechanism by which progress can be judged and areas of concern identified.

PART 3. OVERSEAS TERRITORIES

I. INTRODUCTION

191. This Part of the present report contains, in its several annexes, the United Kingdom's sixteenth periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination in respect of its Overseas Territories. These reports are set out below as follows:

Annex A	Anguilla
Annex B	Bermuda
Annex C	British Virgin Islands
Annex D	Cayman Islands
Annex E	Falkland Islands
Annex F	Gibraltar
Annex G	Montserrat
Annex H	Pitcairn
Annex I	St. Helena
Annex J	Turks and Caicos Islands

192. As requested in the Committee's concluding observations on the United Kingdom's fifteenth periodic report, the reports in these annexes are updating reports and address points raised in those observations.

II. GENERAL

193. As was in fact reported to the Committee members during their oral examination of the United Kingdom's fifteenth periodic report, the new, structured dialogue between the Governments of the Overseas Territories and the Government of the United Kingdom, which was foreseen in that report (CERD/C/338/Add.12 (Part II) at p. 4) is now fully in operation. There have been a number of meetings of the Overseas Territories Consultative Council and also a number of meetings of the Conference of Attorneys-General of the Overseas Territories (usually under the chairmanship of the Attorney-General of England) to discuss such subjects as the protection of human rights. The Committee will remember that, during its oral introduction of the fifteenth report, the United Kingdom delegation referred to a study, which the Conference of Attorneys-General had commissioned, of the possible need to update the existing fundamental rights provisions in the Constitutions of some Overseas Territories and of how best to further the process of incorporating such provisions into the Constitutions of those Territories that do not yet have them. That study has now been completed and its report has been circulated to all the Overseas Territories for detailed consideration.

194. The fifteenth report mentioned the intention of the Government of the United Kingdom to introduce, as soon as parliamentary time allowed, legislation which would confer full British citizenship on the inhabitants of the Overseas Territories. Such citizenship would carry with it the right of abode in the United Kingdom itself and freedom of movement and residence in the European Union and in the European Economic Area. The Committee will wish to know that, following the general election in the United Kingdom in 2001, a place was found for this legislation in the parliamentary timetable and it was duly enacted as the British Overseas

Territories Act 2002, on 26 February 2002. Its provisions dealing with citizenship were brought into force, once the necessary administrative arrangements had been put in place, on 21 May 2002.



United Nations

**Report of the Committee
on the Elimination of
Racial Discrimination**

**Sixty-second session (3-21 March 2003)
Sixty-third session (4-22 August 2003)**

**General Assembly
Official Records
Fifty-eighth Session
Supplement No. 18 (A/58/18)**

General Assembly
Official Records
Fifty-eighth Session
Supplement No. 18 (A/58/18)

Report of the Committee on the Elimination of Racial Discrimination

Sixty-second session (3-21 March 2003)
Sixty-third session (4-22 August 2003)



United Nations • New York, 2003

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Letter of transmittal

22 August 2003

Sir,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 169 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During the past year the Committee continued with a significant workload in terms of the examination of States parties' reports (discussed in chapter III) in addition to other related activities. The Committee also examined the situation of several States parties under its early warning and urgent procedures (see chapter II). In order to continue its consideration of subjects of general interest, the Committee decided at its sixty-third session that it would hold a thematic discussion on non-citizens and non-discrimination at its sixty-fourth session, to be held from 23 February to 12 March 2004.

As important as the Committee's contributions have been to date, there is obviously some room for improvement. At present, only 43 States parties (see annex I) have made the optional declaration recognizing the Committee's competence to receive communications under article 14 of the Convention and, as a consequence, the individual communications procedure is underutilized, as indeed is also the inter-State complaints procedure.

Furthermore, only 37 States parties have so far ratified the amendments to article 8 of the Convention adopted at the Fourteenth Meeting of States Parties (see annex I), despite repeated calls from the General Assembly to do so. The Committee appeals to States parties that have not yet done so to consider making the declaration under article 14 and ratifying the amendments to article 8 of the Convention.

I would also like to point out that some of my colleagues consider that if the Committee could hold one of its meetings at United Nations Headquarters, as provided in article 10, paragraph 4, of the Convention, the possibility would be available to States that do not have representation in Geneva to have a better dialogue with the Committee.

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

The Committee remains committed to a continual process of reflection on and improvement of its working methods, with the aim of maximizing its effectiveness (see chapter X). In this connection, the Committee held a meeting with States parties on 19 August 2003, which led to a fruitful exchange of views on the activities of the Committee and on ways of improving its dialogue with States parties. Furthermore, the Committee devoted a number of meetings during its sixty-second and sixty-third sessions to a discussion of its working methods and adopted a working paper on this matter at the end of its sixty-third session (see annex IV).

At this time, when the United Nations bodies promoting human rights are encountering difficulties, I want to assure you, on behalf of all the members of the Committee, of our determination to continue working for the promotion of the implementation of the Convention and to support all activities that contribute to combating racism, racial discrimination and xenophobia throughout the world.

I take great personal pride in the dedication and professionalism demonstrated by the Committee members in the performance of their important work. The dynamic pluralism of the membership considerably enhances the quality and relevance of its analytical work in the great diversity of circumstances it is called upon to consider. I remain confident of the Committee's abilities to contribute significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(Signed): Ion Diaconu
Chairman
Committee on the Elimination
of Racial Discrimination

I. ORGANIZATIONAL AND RELATED MATTERS

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 22 August 2003, the closing date of the sixty-third session of the Committee on the Elimination of Racial Discrimination, there were 169 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the sixty-third session, 43 of the 169 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I to the present report, as is a list of the 37 States parties that have accepted the amendments to the Convention adopted at the Fourteenth Meeting of States Parties, as at 22 August 2003.

B. Sessions and agendas

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 2003. The sixty-second (1553rd to 1582nd meetings) and sixty-third (1583rd to 1612th meetings) sessions were held at the United Nations Office at Geneva from 3 to 21 March 2003 and from 4 to 22 August 2003 respectively.

4. The agendas of the sixty-second and sixty-third sessions, as adopted by the Committee, are reproduced in annex II.

C. Membership and attendance

5. By a letter dated 20 May 2003, the Government of the Russian Federation informed the Office of the High Commissioner for Human Rights that Mr. Yuri Reshetov had passed away and, by a letter of 10 June 2003, it nominated Mr. Alexei Avtonomov as successor to Mr. Reshetov for the remainder of his term in accordance with article 8, paragraph 5 (b), of the Convention. In accordance with rule 13 of its rules of procedure, the Committee approved the nomination of Mr. Avtonomov at its 1583rd meeting (sixty-third session), on 4 August 2003.

6. The list of members of the Committee for 2003-2004 is as follows:

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires 19 January</u>
Mr. Mahmoud ABOUL-NASR	Egypt	2006
Mr. Nourredine AMIR	Algeria	2006
Mr. Alexei S. AVTONOMOV	Russian Federation	2004
Mr. Marc BOSSUYT	Belgium	2004
Mr. Ion DIACONU	Romania	2004
Mr. Régis de GOUTTES	France	2006
Mr. Kurt HERNDL	Austria	2006
Ms. Patricia Nozipho JANUARY-BARDILL	South Africa	2004
Mr. Morten KJAERUM	Denmark	2006
Mr. Jose A. LINDGREN ALVES	Brazil	2006
Mr. Raghavan Vasudevan PILLAI	India	2004
Mr. Agha SHAHI	Pakistan	2006
Mr. Linos Alexander SICILIANOS	Greece	2006
Mr. TANG Chengyuan	China	2004
Mr. Mohamed Aly THIAM	Guinea	2004
Mr. Patrick THORNBERRY	United Kingdom of Great Britain and Northern Ireland	2006
Mr. Luis VALENCIA RODRÍGUEZ	Ecuador	2004
Mr. Mario Jorge YUTZIS	Argentina	2004

7. All members of the Committee attended the sixty-second and sixty-third sessions.

D. Officers of the Committee

8. At its 1494th meeting (sixtieth session), on 4 March 2002 the Committee elected the Chairman, Vice-Chairmen and Rapporteur as listed below in accordance with article 10, paragraph 2, of the Convention, for the terms indicated in brackets.

<u>Chairman:</u>	Mr. Ion Diaconu (2002-2004)
<u>Vice-Chairmen:</u>	Mr. Nourredine Amir (2002-2004) Mr. Raghavan Vasudevan Pillai (2002-2004) Mr. Mario Yutzis (2002-2004)
<u>Rapporteur:</u>	Mr. Patrick Thornberry (2002-2004)

E. Cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization

9. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO),¹ both organizations were invited to attend the sessions of the Committee. Consistent with the Committee's recent practice, the Office of the United Nations High Commissioner for Refugees (UNHCR) was also invited to attend.

10. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the International Labour Conference, were made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for cooperation between the two committees. The Committee took note with appreciation of the reports of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as other information in the reports relevant to its activities.

11. Mr. Vladimir Volodine, Chief of the Human Rights and Development Section of UNESCO, addressed the Committee at its sixty-second session on 18 March 2003 (1576th meeting) and a fruitful discussion ensued on ways to enhance cooperation with the Committee. The discussion was pursued in further depth with Mr. Serguei Lazarev, Acting Director of the Human Rights Division and Chief of the Section for the Struggle against Racism and Racial Discrimination of UNESCO, during the sixty-third session of the Committee on 19 August 2003 (1606th meeting).

12. UNHCR submits comments to the members of the Committee on all States' parties whose reports are being examined when UNHCR is active in the country concerned. These comments make reference to the human rights of refugees, asylum-seekers, returnees (former refugees), stateless persons and other categories of persons of concern to UNHCR. UNHCR representatives attend the sessions of the Committee and report back on any issues of concern raised by Committee members. At the country level, although there is no systematic follow-up to the implementation of the Committee's concluding observations and recommendations in the 130 UNHCR field operations, these are regularly included in activities designed to mainstream human rights in their programmes.

F. Other matters

13. At the 1533rd meeting (sixty-second session), on 3 March 2003, the United Nations High Commissioner for Human Rights addressed the Committee. He stressed that protection at the national level must be the first concern, and welcomed the Committee's contribution to an approach oriented towards the protection of victims of racial discrimination and vulnerable groups. After emphasizing that the question of the rights of women was one of his priorities, the High Commissioner encouraged the Committee to promote and make full use of its general recommendation XXV on gender-related dimensions of racial discrimination. He also drew the Committee's attention to the Secretary-General's recent proposals on the reform of the

United Nations, as provided in his report to the General Assembly entitled “Strengthening of the United Nations: an agenda for further change”, and to his letter to all the chairpersons of the treaty bodies, asking them to submit any views that they might have in order to assist him in preparing a report, with recommendations, to the Secretary-General on these proposals. Furthermore, the High Commissioner welcomed the ongoing work of the Committee on the reform of its working methods and stressed that his Office stood ready to assist the Committee in reflecting on how it might wish to consider a mechanism for follow-up to its conclusions and recommendations.

14. The Acting High Commissioner for Human Rights addressed the Committee at its 1583rd meeting (sixty-third session), on 4 August 2003. After recalling that the Committee since its forty-fifth session had included early warning measures and urgent action procedures as one of its regular and principal agenda items, the Acting High Commissioner stressed that one of the current challenges was to take preventive strategies to the national level. He emphasized that by building on national strategies and regional efforts, it would be possible to reinforce international cooperation for the prevention and elimination of racial discrimination. The Acting High Commissioner thanked the Committee for its contribution to the process of reflection on treaty body reform. A key insight that had emerged from that process was the positive and successful nature of a treaty body system that allowed for the creation of constituencies in each country to encourage and foster domestic-level implementation. The Acting High Commissioner also welcomed the meeting of the Committee with States parties and expressed the hope that this meeting, the first ever organized, would provide an occasion to explore how the work of the Committee could be enhanced in an effective and mutually beneficial manner.

15. Following the announcement that Mr. Sergio Vieira de Mello, United Nations High Commissioner for Human Rights, had been killed in Baghdad on 19 August 2003, the Committee paid tribute to the late High Commissioner and observed a minute of silence at the start of its 1607th meeting, on 20 August 2003.

G. Adoption of the report

16. At its 1612th meeting, held on 22 August 2003, the Committee adopted its annual report to the General Assembly.

Note

¹ *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), chap. IX, sect. B.*

**III. CONSIDERATION OF REPORTS SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF
THE CONVENTION**

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

520. The Committee considered the sixteenth and seventeenth periodic reports of the United Kingdom of Great Britain and Northern Ireland (CERD/C/430/Add.3), which were due on 6 April 2000 and 2002 respectively, submitted as one document, at its 1588th and 1589th meetings (CERD/C/SR.1588 and 1589), held on 6 and 7 August 2003. At its 1607th meeting, (CERD/C/SR.1607), held on 20 August 2003, it adopted the following concluding observations.

A. Introduction

521. The Committee welcomes the detailed report submitted by the State party and expresses its appreciation for the constructive responses of the delegation to the questions asked during the consideration of the report. Furthermore, the Committee welcomes the fact that non-governmental organizations were consulted in the preparation of the report.

522. While the Committee notes with appreciation that the State party addressed most of the concerns and recommendations raised in the Committee's previous concluding observations (CERD/C/304/Add.102), it observes that the report does not fully conform to the Committee's reporting guidelines.

C. Concerns and recommendations

545. The Committee regrets that no information on the implementation of the Convention in the British Indian Ocean Territory was provided in the State party's report.

The Committee looks forward to receiving in its next periodic report information on the measures taken by the State party to ensure the adequate development and protection of the Ilois for the purpose of guaranteeing their full and equal enjoyment of human rights and fundamental freedoms in accordance with article 2, paragraph 2, of the Convention.



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
13 August 2010

Original: English

Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Eighteenth to twentieth periodic reports of States parties due
in April 2006**

United Kingdom^{*}, ^{}, ^{***}**

[9 March 2010]

* This document contains the eighteenth to twentieth periodic reports of United Kingdom due on 06 April 2006. For the sixteenth and seventeenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/430/Add.3 and CERD/C/SR.1588 and 1589.

** This document should be read in conjunction with the common core document HRI/CORE/GBR/2010.

*** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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III. United Kingdom Overseas Territories

1. Introduction

408. This Part of the present report contains, in its several Annexes, the United Kingdom's 18th periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in respect of its Overseas Territories. These reports are set out below as follows:

- Annex I. Anguilla
- Annex II. Bermuda
- Annex III. British Virgin Islands
- Annex IV. Cayman Islands
- Annex V. Falkland Islands
- Annex VI. Gibraltar

Annex VII. Montserrat

Annex VIII. Pitcairn

Annex IX. St Helena, Ascension and Tristan da Cunha

Annex X. Turks and Caicos

Annex XI. Response to CERD 2003 concluding observations (paragraph 26) relating to the British Indian Ocean Territory

409. As requested in the Committee's Concluding Observations on the United Kingdom's 16th and 17th report, the reports in these Annexes update reports and address points raised in those Observations. Only changes to the 16th and 17th Reports are mentioned here.

Annex XI

Response to CERD 2003 concluding observations (paragraph 26) relating to the British Indian Ocean Territory

1. Response to Paragraph 26 of the Committee on the Elimination of Racial Discrimination Concluding Observations on the sixteenth and seventeenth reports of the United Kingdom dated August 2003.
2. In providing a response to the Committee the United Kingdom would make clear that the Convention does not apply to the British Indian Ocean Territory. The United Kingdom does not consider Article 2 paragraph 2 of the Convention relevant to the territory of the British Indian Ocean Territory, or that any separate report was required; so far as concerns the Ilois, the Territory has no permanent inhabitants and members of the armed forces, officials and contractors in the Territory spend only brief periods there.
3. Those individuals who are sometimes referred to as “Ilois” (or more frequently now as “Chagossians”) are in many cases now British citizens, whatever racial groups of which they may be members, by virtue of the British Overseas Territories Act 2002. Such individuals now enjoy the right of abode in the United Kingdom and associated rights of residence in Member States of the European Union. A number have exercised their rights in this respect and are currently living in the United Kingdom, whilst others live in other States such as Mauritius and Seychelles.



United Nations

Report of the Committee on the Elimination of Racial Discrimination

**Seventy-eighth session
(14 February–11 March 2011)**

**Seventy-ninth session
(8 August–2 September 2011)**

**General Assembly
Official Records
Sixty-sixth session
Supplement No. 18 (A/66/18)**

General Assembly
Official Records
Sixty-sixth session
Supplement No. 18 (A/66/18)

Report of the Committee on the Elimination of Racial Discrimination

Seventy-eighth session
(14 February–11 March 2011)

Seventy-ninth session
(8 August–2 September 2011)



United Nations • New York, 2011

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Letter of transmittal

2 September 2011

Sir,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 174 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During the past year, the Committee continued with a significant workload in terms of the examination of States parties' reports (see chap. III) in addition to other related activities. The Committee also examined the situation of several States parties under its early warning and urgent action procedures (see chap. II). Furthermore, the Committee examined several States parties under its follow-up procedure (see chap. IV).

In the framework of the International Year of People of African Descent, the Committee held a day-long thematic discussion on racial discrimination against people of African descent during its seventy-eighth session. Furthermore, the Committee adopted its general recommendation No. 34 on racial discrimination against people of African descent at its seventy-ninth session (see annex IX).

On the occasion of the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, the Committee adopted a statement (see annex X).

As important as the Committee's contributions have been to date, there is obviously some room for improvement. At present, only 54 States parties have made the optional declaration recognizing the Committee's competence to receive communications under article 14 of the Convention and, as a consequence, the individual communications procedure is underutilized.

Furthermore, only 43 States parties have so far ratified the amendments to article 8 of the Convention adopted at the Fourteenth Meeting of States Parties, despite repeated calls from the General Assembly to do so. These amendments provide, inter alia, for the financing of the Committee from the regular budget of the United Nations. The Committee appeals to States parties that have not yet done so to consider making the declaration under article 14 and ratifying the amendments to article 8 of the Convention.

The Committee remains committed to a continuous process of improvement of its working methods, with the aim of maximizing its effectiveness and adopting innovative approaches to combating contemporary forms of racial discrimination. The evolving practice and interpretation of the Convention by the Committee is reflected in its general recommendations, opinions on individual communications, decisions and concluding observations.

His Excellency Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

At the present time, perhaps more than ever, there is a pressing need for the United Nations human rights bodies to ensure that their activities contribute to the harmonious and equitable coexistence of peoples and nations. In this sense, I wish to assure you once again, on behalf of all the members of the Committee, of our determination to continue working for the promotion of the implementation of the Convention and to support all activities that contribute to combating racism, racial discrimination and xenophobia throughout the world, including through follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 and to the outcome of the Durban Review Conference in 2009.

I have no doubt that the dedication and professionalism of the members of the Committee, as well as the pluralistic and multidisciplinary nature of their contributions, will ensure that the work of the Committee contributes significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(Signed) Anwar **Kemal**
Chairperson
Committee on the Elimination
of Racial Discrimination

I. Organizational and related matters

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 2 September 2011, the closing date of the seventy-ninth session of the Committee on the Elimination of Racial Discrimination, there were 174 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the seventy-ninth session, 54 of the 174 parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I to the present report, as is a list of the 43 States parties that have accepted the amendments to the Convention adopted at the Fourteenth Meeting of States Parties, as at 2 September 2011.

B. Sessions and agendas

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 2011. The seventy-eighth (2050th to 2088th meetings) and seventy-ninth (2089th to 2125th meetings) sessions were held at the United Nations Office at Geneva from 14 February to 11 March and from 8 August to 2 September 2011, respectively.

4. The agendas of the seventy-eighth and seventy-ninth sessions, as adopted by the Committee, are reproduced in annex II.

C. Membership and attendance

5. The list of members of the Committee for 2011 is as follows:

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Nourredine Amir	Algeria	2014
Alexei S. Avtonomov	Russian Federation	2012
José Francisco Calí Tzay	Guatemala	2012
Anastasia Crickley	Ireland	2014
Fatimata-Binta Victoire Dah	Burkina Faso	2012
Régis de Gouttes	France	2014
Ion Diaconu	Romania	2012

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Kokou Mawuena Ika Kana (Dieudonné) Ewomsan	Togo	2014
Huang Yong'an	China	2012
Anwar Kemal	Pakistan	2014
Gun Kut	Turkey	2014
Dilip Lahiri	India	2012
Jose A. Lindgren Alves	Brazil	2014
Pastor Elias Murillo Martínez	Colombia	2012
Chris Maina Peter	United Republic of Tanzania	2012
Pierre-Richard Prosper	United States of America	2012
Waliakoye Saidou	Niger	2014
Patrick Thornberry	United Kingdom of Great Britain and Northern Ireland	2014

D. Officers of the Committee

6. The Bureau of the Committee comprised the following Committee members in 2011:

<i>Chairperson:</i>	Anwar Kemal (2010–2012)
<i>Vice-Chairpersons:</i>	Pierre-Richard Prosper (2010–2012) Francisco Calí Tzay (2010–2012) Fatimata-Binta Victoire Dah (2010–2012)
<i>Rapporteur:</i>	Ion Diaconu (2010–2012)

E. Cooperation with United Nations entities, the special procedures of the Human Rights Council and regional human rights mechanisms and civil society

7. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO),¹ both organizations were invited to attend the sessions of the Committee. Consistent with the Committee's recent practice, the Office of the United Nations High Commissioner for Refugees (UNHCR) was also invited to attend.

8. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations submitted to the International Labour Conference were made available to the members of the Committee on the Elimination of Racial Discrimination, in

¹ *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/27/18), chap. IX, sect. B.*

accordance with arrangements for cooperation between the two committees. The Committee took note with appreciation of the reports of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention No. 111 (1958) and the Indigenous and Tribal Peoples Convention No. 169 (1989), as well as other information in the reports relevant to its activities.

9. UNHCR submits comments to the members of the Committee on all States parties whose reports are being examined when UNHCR is active in the country concerned. These comments make reference to the human rights of refugees, asylum-seekers, returnees (former refugees), stateless persons and other categories of persons of concern to UNHCR.

10. UNHCR and ILO representatives attend the sessions of the Committee and brief Committee members on matters of concern.

11. At its 2059th meeting (seventy-eighth session), on 18 February 2011, the Committee held a dialogue with Nils Muiznieks, Chair of the European Commission against Racism and Intolerance (ECRI), Council of Europe, and Stephanos Stavros, Executive Secretary to ECRI.

12. James Anaya, Special Rapporteur on the rights of indigenous peoples, held a dialogue in a closed meeting with the Committee at its 2084th meeting (seventy-eighth session), on 9 March 2011.

13. Gay McDougall, independent expert on Minority Issues, Verene Shepherd, member of the Working Group of Experts on People of African Descent, and Ali Moussa, Chief of the Intercultural Dialogue Section, Division of Cultural Policies and Intercultural Dialogue, UNESCO, participated as main panellists during the day of thematic discussion on racial discrimination against people of African descent, held by the Committee at its 2080th and 2081st meetings on 7 March 2011 (seventy-eighth session).

14. At its 2092nd meeting (seventy-ninth session), on 9 August 2011, the Committee met representatives of the United Nations Population Fund and the non-governmental organization Centre for Reproductive Rights in a closed meeting.

15. At its 2090th meeting (seventy-ninth session) on 8 August 2011, the Committee held a dialogue, in a closed meeting, with a representative of the non-governmental organization International Movement against All Forms of Discrimination.

F. Other matters

16. Ibrahim Salama, director of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) addressed the Committee at its 2050th meeting (seventy-eighth session), on 14 February 2011. Navi Pillay, United Nations High Commissioner for Human Rights, addressed the Committee at its 2089th meeting (seventy-ninth session), on 8 August 2011.

G. Adoption of the report

17. At its 2125th meeting (seventy-ninth session), on 2 September 2011, the Committee adopted its annual report to the General Assembly.

59. **United Kingdom**

(1) The Committee considered the eighteenth to twentieth periodic reports of the United Kingdom and Northern Ireland, submitted in one document (CERD/C/IRL/18-20), at its 2112th and 2113th meetings (CERD/C/SR.2112 and CERD/C/SR.2113), held on 23 and 24 August 2011. At its 2115th meeting (CERD/C/SR.2115), held on 1 September 2011, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the detailed, though somewhat delayed, report submitted by the State party, and expresses appreciation for the frank and constructive oral responses provided by the delegation during the consideration of the report.

(3) The Committee commends the inclusion by the State party, in its periodic report, of new and updated information on the implementation of the Convention in overseas territories under its administration.

(4) The Committee also notes with appreciation the input to its proceedings by the Equality and Human Rights Commission (EHRC), the Human Rights Commissions of Scotland, Wales and Northern Ireland and various non-governmental organizations (NGOs) that were consulted in the preparation of the report.

C. Concerns and recommendations

(12) The Committee is deeply concerned at the State party's position that the Convention does not apply to the British Indian Ocean Territory (BIOT). The Committee further regrets that the BIOT (Immigration) Order 2004 not only bans Chagossians (Ilois) from entering Diego Garcia but also bans them from entering the outlying islands located over 100 miles away, on the grounds of national security (arts. 2 and 5 (d) (i)).

The Committee reminds the State party that it has an obligation to ensure that the Convention is applicable in all territories under its control. In this regard, the Committee urges the State party to include information on the implementation of the Convention in the British Indian Ocean Territory in its next periodic report.

The Committee recommends that all discriminatory restrictions on Chagossians (Ilois) from entering Diego Garcia or other Islands on the BIOT be withdrawn.



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination Seventy-ninth session

Summary record of the 2112th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 August 2011, at 3 p.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined eighteenth to twentieth periodic reports of the United Kingdom of Great Britain and Northern Ireland

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 5.05 p.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** *(continued)*

*Combined eighteenth to twentieth periodic reports of the United Kingdom of Great
Britain and Northern Ireland (CERD/C/GBR/18-20; CERD/C/GBR/Q/18-20;
HRI/CORE/GBR/2010)*

1. *At the invitation of the Chairperson, the delegation of the United Kingdom of Great
Britain and Northern Ireland took places at the Committee table.*

17. **Mr. Lahiri** (Country Rapporteur) said that, as the riots that had just shaken the United Kingdom had shown, racial and ethnic issues always risked arousing passions and fuelling discontent with poor socio-economic conditions. Minor incidents could threaten public order and undo several years of progress. In that context, the State party might have been expected to seek to promote ethnic harmony and address the root causes of violence rather than withdrawing welfare benefits from the rioters and evicting their families from social housing. Those measures, which would particularly affect the most deprived groups, risked sharpening the inequalities between the races in the State party.

18. The report discussed the implementation of the Convention in Scotland, Wales, Northern Ireland and on various islands that were Crown dependencies. In that connection, he recalled that the first inhabitants of the Diego Garcia Island in the Indian Ocean had been evicted from their lands without any compensation. Segregation in Northern Ireland, mostly involving whites, was based on sectarian principles, and racism against immigrant communities also had sectarian overtones. Moreover, as a result of the numerous hate crimes that had been committed in 2006 against immigrants, Belfast had been dubbed “the race hate capital of Europe”. According to reliable sources, police officers sometimes repeated the behaviour of their predecessors from the Royal Ulster Constabulary, and there were growing calls for the Police Ombudsman to resign because of prejudice and the reprehensible conduct in which he had allegedly engaged during murder investigations. The Committee could, therefore, consider addressing the issue of discrimination in Northern Ireland not as a purely religious matter but as a specific manifestation of racism similar to Islamophobia and anti-Semitism.

19. The Equality Act 2010, which had introduced unique and comprehensive provisions covering all types of discrimination, was a major step forward. However, the British Government did not seem very inclined to promote racial equality; it had made significant cuts in the budget for legal aid services and had stopped funding voluntary organizations providing legal counselling on discrimination as well as on the promotion of equality and human rights, which would undoubtedly affect ethnic minorities.

20. It was regrettable that section 19 D of the Race Relations Act of 1976, which was inconsistent with the Convention as it explicitly authorized discrimination in certain circumstances, including on grounds of nationality and of national or ethnic origin, had

been replicated in the Equality Act. In addition, the procedures provided for by the Equality Act to justify such discrimination were vague and could lead to abuses, given that the authorities refused to specify which nationalities could be subject to restrictions on immigration. The negative image in the media of ethnic minorities, asylum-seekers, refugees, Gypsies and Travellers was a cause of concern and hindered inter-ethnic tolerance. It was therefore regrettable that the Committee's recommendation to mandate the Press Complaints Commission to consider complaints referred to it by the Commission for Racial Equality had not been acted upon.

21. Certain criminal law provisions continued to fuel ill will towards persons of other races. Since 2003, there had been a 70 per cent increase in the number of stops and searches of black and Asian people, and the discretionary powers enjoyed by law enforcement officers were much too broad. In 2010, the Government had furthermore withdrawn the requirement for police officers to record stops that did not lead to a search or issue a detailed report following a stop and search, thereby making it more difficult to monitor potential malpractice in that area.

22. The United Kingdom, like many other States parties, was grappling with the problem of discrimination in the context of efforts to counter terrorism. Many counter-terrorism measures had negative repercussions on Muslims, who often sensed that they were regarded as objects of suspicion. While it was certainly welcome news that a review of the counter-terrorism legislation had been carried out in 2010, the question arose as to whether the new system of control orders described in paragraph 202 of the report would have the effect of allaying suspicion levelled against Muslims. Given that violence and crime motivated by racial or religious hatred remained a persistent phenomenon in the United Kingdom, it was worrying that crimes motivated by religious hatred were not recorded, despite the large number of acts of violence targeting Muslims and mosques. The situation of the Traveller community at the Dale Farm site, which the Committee had considered in 2010 under its early warning and urgent action procedure, seemed close to being resolved. However, the Committee might adopt other measures in view of the possibility of imminent eviction faced by the members of that community.

23. The many steps taken by the State party to help ethnic minorities become better integrated were welcome, but statistical data, disaggregated by ethnic group, were needed in order to evaluate the effectiveness of those steps. Lastly, although the United Kingdom had made great strides in countering racial discrimination, it had regrettably still not incorporated the Convention into its domestic law and had still not withdrawn its interpretative declaration concerning article 4 of the Convention.

29. **Mr. Avtonomov** asked what measures the Government intended to take to resolve the problem of persons expelled by the United Kingdom from the Chagos Islands in the Indian Ocean between 1967 and 1973, most of whom currently lived in Seychelles or Mauritius as refugees. He was of the view that the August 2011 riots had had a strong racial and ethnic dimension, as evidenced by the fact that the most violent disturbances had taken place in neighbourhoods populated mainly by historically disadvantaged immigrants. He hoped that the State party's next periodic report would include the results of the investigations that had been carried out.

32. **Mr. Murillo Martínez** recalled that thousands of persons of African descent had been forced by the United Kingdom to leave the Chagos archipelago in 1975 and that many of them still hoped to be able to return to their homes one day. He asked whether the State party intended to enter into dialogue with the representatives of that community in an effort to meet their expectations.

The meeting rose at 6 p.m.



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Committee on the Elimination of Racial Discrimination Seventy-ninth session

Summary record of the 2113th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 24 August 2011, at 10 a.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Eighteenth to twentieth periodic reports of the United Kingdom (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Eighteenth to twentieth periodic reports of the United Kingdom (continued)
(CERD/C/GBR/18-20; CERD/C/GBR/Q/18-20; HRI/CORE/GBR/2010)

1. *At the invitation of the Chairperson, the delegation of the United Kingdom took places at the Committee table.*

63. **Mr. Dady** (United Kingdom) said that the Government took its responsibilities towards United Kingdom Overseas Territories very seriously.

64. The Territories had their own domestic laws and were primarily responsible for human rights. The British Government had responsibility for their defence and international relations, and for ensuring they fulfilled their obligations under applicable human rights treaties.

65. Since 1967 international human rights treaties had been applied to Overseas Territories only if the British Government chose to extend a particular treaty to them. The International Convention on the Elimination of All Forms of Racial Discrimination had not been extended to the British Indian Ocean Territory because the Territory was not permanently inhabited.

66. Successive Governments had expressed regret at the manner of resettlement of the Chagossians in the 1960s and 1970s. The British authorities had continued to hold discussions with Chagossian leaders, most recently in July 2011. The 1982 compensation settlement had been examined by the courts and there was no cause to pay further compensation. The British Government believed that there were clear and compelling defence reasons not to allow Chagossians, many of whom had been granted British citizenship, to resettle in the British Indian Ocean Territory.

70. **Mr. Murillo Martínez** asked to what extent the authorities in Britain had examined migration issues, including their relationship with the legacy of colonialism. He asked if there had been any contact with Governments in the migrants' States of origin in order to address the deep-lying causes of the phenomenon.

71. He also wondered if any consideration had been given to the implications of those issues in the system of national welfare. According to his information, migrants in Britain found it easier to access State benefits than to obtain a work permit.

72. He asked for further information about the dialogue with the Afro-descendant people of the Chagos Archipelago, and invited the United Kingdom to participate in the International Year for People of African Descent.

77. **Mr. Dady** (United Kingdom) said that redress for the Chagossians had been provided under the 1982 Settlement Agreement and the British Overseas Territories Act 2002. The latter dealt with access to British citizenship and the right to reside in the United Kingdom. The competent ministries were highly committed to the arrangements for a regular dialogue with Chagossians in the United Kingdom.



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Fifteenth to nineteenth periodic reports of States parties due
in 2009**

Mauritius* **

[16 May 2012]

* This document contains the fifteenth to nineteenth periodic reports of Mauritius due in 2009, submitted in one document. For the thirteenth to fourteenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/362/Add.2 and CERD/C/SR.1401, 1402 and 1414.

** In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited.

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I. Introduction

1. This report constitutes the combined fifteenth, sixteenth, seventeenth, eighteenth and nineteenth periodic reports submitted pursuant to article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. It has been drafted in the light of general guidelines regarding the form and content of reports to be submitted by States parties adopted by the Committee on the Elimination of Racial Discrimination.
2. The issues raised in the Committee's concluding observations on the fourteenth report submitted by the Government of Mauritius on 12 May 1999 are discussed below in chapter IV. As recommended by the Committee, the present report is an update of the last periodic report and it includes additional information relating to articles 1-7 of the Convention and some are elaborated upon in chapter III.

II. General

3. The Republic of Mauritius, found in the south-west of the Indian Ocean, includes the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any of the islands comprised in the State of Mauritius. It has a population of about approximately 1.3 million. The estimated resident population by sex in the Republic of Mauritius as at 1st July 2011 is 633,916 males and 652,424 females. The two main islands are the Island of Mauritius (1, 865 sq km) and the Island of Rodrigues (104 sq km); the former having a population of 614,972 males and 633,157 females while the latter is inhabited by 18,751 males, and 19,171 females. Mauritius has already highlighted in previous reports that it does not have an indigenous population.
4. Mauritius obtained its independence from Great Britain on 12 March 1968. Her Majesty the Queen of Great Britain was the Head of State until 1992 when Mauritius became a Republic. There exists a parliamentary democracy led by the Prime Minister as the Head of Government. The Head of State is the President of the Republic who is elected by a majority of all members of the Assembly on a motion made by the Prime Minister. The State of Mauritius holds free and fair national and local elections at regular intervals. The conduct of these elections is supervised by an independent Electoral Supervisory Commission. The National Assembly consists of 70 members of whom 62 are elected in accordance with the first-past-the post system and the remaining 8 are allocated seats from among the best losers at general elections on a community and party basis, in order to ensure a fair and adequate representation of each community. Government is in the process of consultation with the main political parties on the reform of the electoral system. In the Government programme 2010-2015, it has been spelt out that Government will start wide-ranging consultations. In fact Government has appointed a team of eminent constitutional experts, led by Professor Guy Carcassonne of the *Université de Nanterre* and comprising also Professor Vernon Bogdanor, Professor of Government at Oxford University and Dr Pere Vilanova Trias, Professor of Political Science and Public Policy at the University of Barcelona, to look into and propose constitutional reforms, including reform of the electoral system.
5. In 2002, provision was made for a decentralized form of Government in the island of Rodrigues by setting up the Rodrigues Regional Assembly which is responsible for the formulation and implementation of policy for specified matters in relation to Rodrigues

(such as agriculture, child development, employment, environment and tourism). Regional Assembly Laws may be adopted in relation to those areas of responsibility. Members of the Rodrigues Regional Assembly are elected by citizens of Mauritius who are residents of Rodrigues.

Chagos Archipelago

6. The Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius under both Mauritian law and international law. Although Mauritius has sovereignty over the Chagos Archipelago, it is being prevented from exercising its rights over the Chagos Archipelago because of the de facto control of the United Kingdom over the territory.

7. The Government of Mauritius does not recognize the so-called “British Indian Ocean Territory” (“BIOT”) which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its independence. This excision was carried out in violation of international law and 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 General Assembly Resolutions 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

8. Since this illegal excision, Mauritius has consistently and persistently pressed the United Kingdom Government in both bilateral and multilateral fora for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius.

9. In this context, Mauritius has continuously received the support of the African Union and the Non-Aligned Movement which have constantly recognized the sovereignty of Mauritius over the Chagos Archipelago.

10. The excision of the Chagos Archipelago from the territory of Mauritius also involved the shameful eviction by the British authorities of the Mauritians who were residing at the time in the Archipelago (‘Chagossians’) in total disregard of their human rights in order to pave the way for the establishment of a US military base in Diego Garcia. Most of the Chagossians were removed to Mauritius.

11. Chagossians, being fully-fledged citizens of Mauritius, enjoy the same rights as other Mauritian citizens. The Government of Mauritius has also endeavoured over the years, within its available means, to facilitate the integration of the Chagossian community into the Mauritian society.

12. The Government of Mauritius recognizes the legitimate right and claim of the former inhabitants of the Chagos Archipelago, as Mauritian citizens, to be resettled in the Archipelago.

13. The Government of Mauritius will continue to press for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius, whilst firmly supporting the right of return of the Chagossians and other Mauritians to the Archipelago.

14. The Government of Mauritius considers that as Mauritius is a party to the International Convention on the Elimination of all Forms of Racial Discrimination and the Chagos Archipelago is subject to the sovereignty of Mauritius, the Convention applies to the Chagos Archipelago.

15. Since the United Kingdom which is a party to the CERD exercises de facto (but unlawful) control over the Chagos Archipelago, it has an obligation to give effect to applicable obligations under the Convention with respect to the Chagos Archipelago. In this regard, the Government of Mauritius supports the Concluding Observation of the Committee on the Elimination of Racial Discrimination on the 18th to 20th periodic reports of the United Kingdom (CERD/C/GBR/CO/18-20) that “reminds [the United Kingdom] that it has an obligation to ensure that the Convention is applicable in all territories under its control”, on the understanding that it is premised on a recognition of the de facto situation and de facto control and does not imply any recognition of United Kingdom sovereignty or analogous rights over the Chagos Archipelago.

16. The United Kingdom has acted, and continues to act, in violation of articles 2 and 5 of the Convention on the Elimination of All Forms of Racial Discrimination, inter alia, by 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.

17. Since there exists a dispute between Mauritius and the United Kingdom as to the interpretation and application of the Convention, including but not limited to the application of articles 2 and 5 to the Chagos Archipelago, the Government of Mauritius invited on 20 October 2011 and 21 March 2012 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.



United Nations

Report of the Committee on the Elimination of Racial Discrimination

**Eighty-first session
(6–31 August 2012)**

**Eighty-second session
(11 February–1 March 2013)**

**General Assembly
Official Records
Sixty-eighth session
Supplement No. 18 (A/68/18)**

General Assembly
Official Records
Sixty-eighth session
Supplement No. 18 (A/68/18)

Report of the Committee on the Elimination of Racial Discrimination

Eighty-first session
(6–31 August 2012)

Eighty-second session
(11 February–1 March 2013)



United Nations • New York, 2013

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Letter of transmittal

1 March 2013

Sir,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The report contains information from the eighty-first (6 to 31 August 2012) and eighty-second (11 February to 1 March 2013) sessions.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 175 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During the eighty-first and eighty-second sessions, the Committee continued with a significant workload in terms of the examination of States parties' reports (see chap. III) in addition to other related activities. The Committee also examined the situations of several States parties under its early warning and urgent action procedures (see chap. II). Furthermore, the Committee examined information submitted by several States parties under its follow-up procedure (see chap. IV).

The Committee adopted a statement on the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies, as well as a decision on the guidelines on the independence and impartiality of members of the human rights treaty bodies (Addis Ababa Guidelines) (see annex VIII).

The Committee held a thematic discussion on racist hate speech at its eighty-first session.

As important as the Committee's contributions have been to date, there is obviously some room for improvement. At present, only 54 States parties have made the optional declaration recognizing the Committee's competence to receive communications under article 14 of the Convention and, as a consequence, the individual communications procedure is underutilized.

Furthermore, only 43 States parties have so far ratified the amendments to article 8 of the Convention adopted at the Fourteenth Meeting of States Parties, despite repeated calls from the General Assembly to do so. These amendments provide, inter alia, for the financing of the Committee from the regular budget of the United Nations. The Committee appeals to States parties that have not yet done so to consider making the declaration under article 14 and ratifying the amendments to article 8 of the Convention.

The Committee remains committed to a continuous process of improvement of its working methods, with the aim of maximizing its effectiveness and adopting innovative approaches to combating contemporary forms of racial discrimination. The evolving practice and interpretation of the Convention by the Committee is reflected in its general recommendations, opinions on individual communications, decisions and concluding observations.

His Excellency Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

At the present time, perhaps more than ever, there is a pressing need for the United Nations human rights bodies to ensure that their activities contribute to the harmonious and equitable coexistence of peoples and nations. In this sense, I wish to assure you once again, on behalf of all the members of the Committee, of our determination to continue working for the promotion of the implementation of the Convention and to support all activities that contribute to combating racism, racial discrimination and xenophobia throughout the world, including through follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 and to the outcome of the Durban Review Conference in 2009.

I have no doubt that the dedication and professionalism of the members of the Committee, as well as the pluralistic and multidisciplinary nature of their contributions, will ensure that the work of the Committee contributes significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(Signed) Alexei S. **Avtonomov**
Chairperson
Committee on the Elimination
of Racial Discrimination

I. Organizational and related matters

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 1 March 2013, the closing date of the eighty-second session of the Committee on the Elimination of Racial Discrimination, there were 175 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the eightieth session, 54 of the 175 parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I to the present report, as is a list of the 43 States parties that have accepted the amendments to the Convention adopted at the Fourteenth Meeting of States Parties, as at 1 March 2013.

B. Sessions and agendas

3. The Committee on the Elimination of Racial Discrimination holds two regular sessions yearly. The eighty-first (2166th–2203rd meetings) and eighty-second (2204th–2233rd meetings) sessions were held at the United Nations Office at Geneva from 6 to 31 August 2012 and 11 February to 1 March 2013, respectively.

4. The agendas of the eighty-first and eighty-second sessions, as adopted by the Committee, are reproduced in annex II.

C. Membership and attendance

5. The list of members of the Committee for 2013 is as follows:

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Nourredine Amir	Algeria	2014
Alexei S. Avtonomov	Russian Federation	2016
José Francisco Calí Tzay	Guatemala	2016
Anastasia Crickley	Ireland	2014
Fatimata-Binta Victoire Dah	Burkina Faso	2016
Régis de Gouttes	France	2014

<i>Name of member</i>	<i>Nationality</i>	<i>Term expires on 19 January</i>
Ion Diaconu	Romania	2016
Kokou Mawuena Ika Kana (Dieudonné) Ewomsan	Togo	2014
Huang Yong'an	China	2016
Patricia Nozipho January-Bardill	South Africa	2016
Anwar Kemal	Pakistan	2014
Gun Kut	Turkey	2014
Dilip Lahiri	India	2016
Jose A. Lindgren Alves	Brazil	2014
Pastor Elias Murillo Martínez	Colombia	2016
Waliakoye Saidou	Niger	2014
Patrick Thornberry	United Kingdom of Great Britain and Northern Ireland	2014
Carlos Manuel Vázquez	USA	2016

D. Officers of the Committee

6. The Bureau of the Committee comprised the following Committee members in 2012:

Chairperson: Alexei S. Avtonomov (2012–2014)

Vice-Chairpersons: Nouredine Amir (2012–2014)
José Francisco Calí Tzay (2012–2014)
Dilip Lahiri (2012–2014)

Rapporteur: Anastasia Crickley (2012–2014)

E. Cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the special procedures of the Human Rights Council and the regional human rights mechanisms

7. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO),¹ both organizations were invited to attend the sessions of the Committee. Consistent with the Committee's recent

¹ *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/87/18), chap. IX, sect. B.*

practice, the Office of the United Nations High Commissioner for Refugees (UNHCR) was also invited to attend.

8. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations submitted to the International Labour Conference were made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for cooperation between the two committees. The Committee took note with appreciation of the reports of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as other information in the reports relevant to its activities.

9. UNHCR submits comments to the members of the Committee on all States parties whose reports are being examined when UNHCR is active in the country concerned. These comments make reference to the human rights of refugees, asylum seekers, returnees (former refugees), stateless persons and other categories of persons of concern to UNHCR.

10. UNHCR and ILO representatives attend the sessions of the Committee and brief Committee members on matters of concern.

11. Morten Kjaerum, Director of the European Union Agency for Fundamental Human Rights, held a dialogue in a closed meeting with the Committee at its 2206th meeting (eighty-second session), on 12 February 2013.

12. Members of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations met with the Committee at its 2205th meeting (eighty-second session), on 11 February 2013.

13. Members of the Working Group on business and human rights met with the Committee at its 2206th meeting (eighty-second session), on 12 February 2013.

14. The Committee met with Adama Dieng, Special Advisor to the Secretary-General on the Prevention of Genocide and Mass Atrocities, at its 2224th meeting (eighty-second session), on 25 February 2013.

F. Other matters

15. Ibrahim Salama, director of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) addressed the Committee at its 2166th meeting (eighty-first session), on 6 August 2012.

16. Simon Walker, chief of the Civil, Political, Economic, Social and Cultural Rights Section at the Human Rights Treaties Division of OHCHR, addressed the Committee at its 2204th meeting (eighty-second session), on 11 February 2013.

17. Yury Boychenko, chief of the Anti-Discrimination Section at the Research and Right to Development Division addressed the Committee at its 2078th meeting (eighty-first session), on 14 August 2012, and at its 2206th meeting (eighty-second session), on 12 February 2013.

G. Adoption of the report

18. At its 2233rd meeting (eighty-second session), on 1 March 2013, the Committee adopted its annual report to the General Assembly.

44. **Mauritius**

(1) The Committee considered the combined fifteenth to nineteenth periodic reports of Mauritius (CERD/C/MUS/15-19 and Corr.1) at its 2219th and 2220th meetings (CERD/C/SR.2219 and 2220), held on 20 and 21 February 2013. At its 2229th meeting (CERD/C/SR.2229), held on 27 February 2013, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the combined fifteenth to nineteenth period reports submitted by the State party, which conforms to the Committee's guidelines for the preparation of treaty-specific reports, despite the delay in its submission. The Committee also welcomes the submission of the common core document (HRI/CORE/MUS/2008).

(3) The Committee appreciates the open and frank dialogue it had with the high level delegation and welcomes the supplementary information provided during the consideration of the report.

C. Concerns and recommendations

Situation of the Chagossians

(21) While welcoming the measures taken by the State party to alleviate the sufferings of the Chagossians displaced from the island of Diego Garcia and other islands of the Chagos archipelago, the Committee remains concerned that they have not been able to exercise their right to return to their land (arts. 5 (d), 11).

The Committee recommends that the State party continue to seek all possible ways for remedying the injustice done to the Chagossians displaced mainly from the island of Diego Garcia and other islands of the Chagos archipelago.



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
26 February 2013

Original: English

Committee on the Elimination of Racial Discrimination Eighty-second session

Summary record of the 2219th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 February 2013, at 3 p.m.

Chairperson: Mr. Avtonomov

later: Mr. Lahiri (Vice-Chairperson)

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Fifteenth to nineteenth periodic reports of Mauritius

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Fifteenth to nineteenth periodic reports of Mauritius (CERD/C/MUS/15-19; CERD/C/MUS/Q/15-19; HRI/CORE/MUS/2008)

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*
2. *Mr. Lahiri (Vice-Chairperson) took the Chair.*
3. **Mr. Varma** (Mauritius) said that his Government had unfortunately had to submit the fifteenth to nineteenth periodic reports late, owing to the number of reports it had been required to submit to other United Nations treaty bodies and its participation in the UPR process. He assured the Committee that it attached great importance to its obligations under the Convention.
4. The Constitution guaranteed all Mauritians the right to equal protection without discrimination based on race, caste, place of origin, political opinions, colour, creed or sex. In addition, several other legislative instruments protected the rights enshrined in the Convention, and the Government had implemented a range of policies and programmes also designed to protect them. In particular, the Equal Opportunities Commission had been set up in April 2012 to monitor implementation of the Equal Opportunities Act, which established that direct or indirect discrimination constituted less favourable treatment on the basis of status, which included caste, ethnic origin, colour, creed, place of origin and race. While there was no officially recognized caste system in Mauritius, caste-based prejudices had been ingrained in people's minds during the first diasporas and remained among the older generations.
5. The Government had specifically mandated the Equal Opportunities Commission to work on eliminating discrimination based on caste. The Commission examined and investigated complaints brought before it and investigated, proprio motu, cases in which acts of discrimination might have been or might be committed. In early 2013, it would publish guidelines and codes of conduct for all public and private sector employers on equal opportunity policies, which were mandatory under the Act. The Commission attempted to resolve complaints through conciliation. If that failed, it could, with the consent of the complainant, refer the matter to the Equal Opportunities Tribunal, which had the power to issue orders and directives and make compensatory awards. The Commission could also apply for interim orders before the Tribunal if the circumstances required urgent intervention in order to prevent further prejudice to aggrieved parties. Non-compliance with an order or directive of the Tribunal resulted in criminal prosecution, which could carry fines of up to 100,000 rupees and imprisonment for up to 5 years.
6. The Protection of Human Rights Act had been amended to bring domestic legislation into line with the Optional Protocol to the Convention against Torture, requiring the establishment of a National Preventive Mechanism within the National Human Rights Commission. The amendment also provided for the establishment within the Commission of a Police Complaints Division to investigate complaints made against police officers, other than allegations of corruption and money-laundering. The Division could investigate cases of death in police custody and death as a result of police action, and issued advice on addressing police misconduct.
7. The mandate of the Commission had also been broadened under the amendment to enable it to submit to the Government opinions, recommendations, proposals and reports on any matter concerning the promotion and protection of human rights. The Commission was

also responsible for ensuring harmonization between domestic legislation and practices and international human rights instruments to which Mauritius was a party, and ensuring their effective implementation. The Commission was fully compliant with the Paris Principles.

8. Other legislative amendments had significantly increased women's participation in municipal and village politics, extended access to legal assistance to a wider range of people in need and improved access to employment for persons with disabilities. Mauritius had always taken pride in its multiracial, multi-ethnic and multicultural society and striven for a cohesive pluralistic society where unity and diversity formed the bedrock for development and progress.

9. The implementation of the National Human Rights Action Plan 2012–2020 was overseen by the Human Rights Monitoring Committee, which was composed of representatives of NGOs, ministries, departments, national human rights institutions and the private sector. The Government was currently preparing a database of human rights institutions and outcome indicators to enable it to monitor performance on the basis of clear targets.

10. Human rights training and awareness-raising programmes were conducted in youth centres and citizens advice bureaux nationwide for civil servants, young people, NGOs and the general public. Human rights, including the provisions of the Convention, were also an integral part of the training of the police and the armed forces. Television programmes on human rights were broadcast in an effort to strengthen the human rights culture among all sections of society and to inform each target group about its rights. A human rights Internet portal had been launched in December 2012 in order to disseminate the Government's human rights strategy nationally and internationally. The portal also served as a platform to bring together policymakers, trainers, students, national human rights institutions and NGOs.

11. The Creole community were not discriminated against and enjoyed the same economic, social and cultural rights as other communities. Specific projects were being implemented to address poverty in all communities. The Creole language was taught in schools, there was a dedicated Creole-language television channel and a Creole-speaking union worked to preserve and promote Creole as an ancestral language. In 2010, the Ministry of Social Integration and Economic Empowerment had been created to address poverty. It had found that some 40,000 persons from all religious groups were currently living below the poverty line. Programmes had been put in place for families in need: they comprised social aid, special housing units, child and family development programmes and distribution of school materials.

12. The Truth and Justice Commission had been set up in 2009 to inquire into slavery and indentured labour during the colonial period and determine appropriate measures for the descendants of slaves and indentured labourers. In November 2011, the Commission had reported to the National Assembly, which had set up a high-level interministerial committee to consider the Commission's recommendations. While an enormous budget would be needed to implement all the recommendations, 19 of them were currently being carried out and the remainder were under examination.

13. He recalled that the Government had written to the Committee following the adoption of its concluding observations on the eighteenth to twentieth periodic reports of the United Kingdom (CERD/C/GBR/CO/18-20) drawing attention to the fact that, while Mauritius had sovereignty over the Chagos archipelago, including Diego Garcia, it was prevented from exercising its rights over that territory because of the de facto control of the United Kingdom. In the wake of the illegal excision of the Chagos archipelago from the territory of Mauritius prior to its independence in 1968, most of the Mauritians living on the archipelago (Chagossians) had been forcibly removed to Mauritius. His Government

continued to call for the early and unconditional return of the Chagos archipelago and supported the right of the Chagossians to return to the archipelago in accordance with international law, including the Convention. However, the Government of the United Kingdom continued to act in violation of articles 2 and 5 of the Convention by preventing them from doing so and preventing other Mauritian nationals from entering that territory. That Government had refused his Government's invitation to engage in negotiation within the meaning of article 22 of the Convention. His Government had introduced special measures to improve the situation of the Chagossians, including providing land for the construction of houses and setting up the Chagossian Welfare Fund.

14. In response to the Committee's previous recommendations (CERD/C/304/Add.106), the Government was still considering making the declaration provided for in article 14 of the Convention, but believed that adequate domestic safeguards existed to secure redress. Regarding its non-ratification of the amendments to article 8, paragraph 6, of the Convention, he recalled that Mauritius continued to suffer from the global economic crisis and was a contributor to several regional and international bodies. The Government regarded the compilation of statistical data on ethnic composition as a divisive question that could jeopardize national unity.

15. **Ms. January-Bardill** (Country Rapporteur) welcomed the resumption of a dialogue with the State party and commended the Government for adhering to the Committee's guidelines in the preparation of its periodic report. She would welcome updated information on the progress the Government had made in its efforts to foster a sense of national unity and identity and to ensure that no single population group was dominant in the State party's pluralist society. While acknowledging the complex ethnic mix of that society, she was concerned at reports that colour, creed and language continued to divide the population. In that context, she requested an explanation of the precise meaning of the terms "community" and "status group".

16. She welcomed the constitutional guarantee of equality and freedom from discrimination, the introduction of the Equal Opportunities Act and the mechanisms that had been established to implement it. The Committee would appreciate inclusion in future reports of specific examples of the implementation and outcomes of the Act and information on its supporting institutions and their impact on status groups. She noted that cultural centres were being set up to enable Mauritians of all denominations to participate in religious and cultural activities of their choice and to foster harmony and mutual respect. While the conflation of culture and religion was not unusual, she drew attention to the need for communities to refrain from using culture and religion to exclude or discriminate against non-believers or non-members. She urged the Government to remain alert to the specific effects that laws on adoption, marriage and divorce were having, as they appeared on occasion to compromise the principle of equal treatment, such as when members of certain castes or religions were prevented from entering temples.

17. She expressed the hope that the National Heritage Fund Act, the Mauritian Cultural Centre Trust Act, the establishment of language unions, and the creation of the trust funds to promote and protect cultural heritage would not only protect cultural heritage but contribute to social cohesion. She commended efforts to make education accessible to all cultural and religious groups, and also the use of local languages, including Creole, in formal education. She wished to know whether Creole had the status of an official national language. It was heartening to note that the Government had instituted measures to prevent public Catholic schools from discriminating against non-Catholic pupils.

18. The Committee would appreciate information in the State party's next report on what progress had been made in implementing the recommendations of the interministerial committee mandated to study the report of the Truth and Justice Commission. She urged the State party to invite the Commission to look into the distinction between public and

private acts of discrimination. Noting the offences listed in the Criminal Code relating to acts of discrimination, she requested additional information on the Code's application in discrimination cases.

19. Welcoming the adoption of the Information and Communication Technologies Act 2001, which criminalized the use of information and communication to convey offensive or indecent messages, she requested information on its application. With regard to the National Gender Policy Framework, the Committee commended the Government for recognizing its general recommendation No. 25 on gender-related dimensions of racial discrimination, and urged it to make every effort to ensure that women from marginal communities, such as Creole and Chagossian women, had access to equal opportunities in political, economic, social and cultural life. Disaggregated information would be extremely useful in that area. The Committee had noted the 2011 concluding observations of the Committee on the Elimination of Discrimination against Women, and specifically the recommendation to adopt policies and concrete legislative measures to accelerate the eradication of employment discrimination against women.

20. In relation to article 5 of the Convention, the Committee welcomed the bill that was currently being finalized and the expansion of the powers of the National Human Rights Commission to ensure better protection against violence, especially police brutality. While acknowledging the efforts to educate the police on human rights, the Committee urged the Government to give greater publicity to the Convention among all public officials. The Committee would be interested to hear of any prosecutions of police officers who had overstepped their powers and the outcome of their trials.

21. On political rights, she requested a more detailed explanation of the method used to segment the population and the rationale behind it, as only three groups had been named explicitly in the report, the remainder being referred to as the "general population". She would be interested to hear why Creoles, who made up more than 25 per cent of the population, were not identified as a separate group.

22. She had noted with interest the notion of religious subsidies, which she hoped would be a sustainable practice from which lessons might be learned. The Committee welcomed the Employment Relations Act, the Employment Rights Act, the Sex Discrimination Act and the Remuneration Order Regulations. Information on the impact of that legislation would be useful in future reports. The Committee urged the State party to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as, according to reports it had received, migrant workers continued to face very difficult living and working conditions and were afforded little if any legal protection. Long working hours and pay below the minimum wage, as well as abusive living conditions, had been reported. The National Human Rights Commission had also recommended that a proper legal framework be put in place to protect the rights of migrant workers.

23. Regarding article 7 of the Convention, the Committee would like to see more legislation to promote racial understanding and harmony. It noted that the segmentation of society and the assimilationist approach to status differences could be an obstacle. There was nothing wrong with disaggregation if the aim was to achieve substantive rather than formal equality and if difference was seen as a fact and not a problem. The perception was that there was a hierarchy of status groups in Mauritius, with those of Indian and European origin at the top, and Creoles and Chagossians at the bottom. Mention of that hierarchy was made in the report of the Truth and Justice Commission. The use of censuses that disaggregated the social groups to measure their living standards and access to rights was not negative in itself, and need not be divisive. Given that it was reported that Chagossians remained marginal to Mauritian society, were socially excluded and very poor, and had high illiteracy rates, inadequate living conditions and higher than average unemployment,

the Committee was pleased to hear that measures were being taken to address those challenges. The Committee regretted that the situation with regard to the Chagos islands and the dispute with the United Kingdom Government remained unchanged.

24. There had been much improvement in the situation in Mauritius, which had clearly taken many steps to address difficult issues. She encouraged the State party to continue along those lines and to deal with the deep differences inherent in Mauritian society.

25. **Mr. Murillo Martínez** said that he had raised the issue of the Chagossian community during the Committee's consideration of the report of the United Kingdom. He wished to know how many people had been involuntarily removed from the Chagos islands, according to the State party's statistics. He asked how many Chagossian people were now settled in Mauritius and how many had been resettled in the United Kingdom. He wished to know the details of the resettlement process in the United Kingdom and would be interested to hear more on the ethnic background of those people. While the State party referred to the responsibility of the United Kingdom with respect to the Chagos islands situation, some Chagossians believed that the Mauritian Government also needed to bear responsibility in that regard. He would be interested to hear whether the Truth and Justice Commission was also dealing with that problem and whether it had drawn any conclusions in that respect. He asked the delegation to comment on legal or other action taken by the Mauritian Government to support the return of the Chagossians to their territories.

26. He asked whether the State party had undertaken any activities in connection with the International Year for People of African Descent. He would be interested to hear the reasons behind the Government's decision to establish the Truth and Justice Commission, and the main recommendations and conclusions of that Commission, in particular in relation to the Creole population. He would welcome information on the representation of the Creole population in the State's decision-making bodies.

27. **Mr. de Gouttes** welcomed the creation of the Equal Opportunities Commission and the Equal Opportunities Tribunal, the strengthening of the National Human Rights Commission, the national plan of action 2012–2020, the strengthening of support for the Creole language, and the establishment of the Truth and Justice Commission. The Committee had also noted the difficult situation faced by the Chagossian people and the Government's obligation to protect the rights of that community.

28. He requested further details on denominational schools that received public funding and were obliged to accept pupils from other faiths. He would also welcome an explanation of the extensive restrictions on the matters into which the National Human Rights Commission could inquire and asked for details of the planned restructuring of the Commission. Regarding the provisions of the Criminal Code on offences relating to discrimination, he noted that only article 282 of the Code concerned incitement to racial hatred and asked the delegation to comment. He also wished to know the details of complaints, proceedings and convictions for incitement to racial hatred under that article. He would welcome additional information on the incorporation of human rights education at all levels of the education system. He asked the delegation to comment on the death of the Creole singer Joseph Reginald Topize and the phenomenon of "Creole malaise". He would be interested to hear more about the State's system of corporate social responsibility.

29. **Mr. Lindgren Alves** said that he would be interested to know the final decision taken in the case brought before the Human Rights Committee by a group of persons challenging the constitutional requirement for candidates in elections to declare the community to which they belonged. Caution was needed on the issue of disaggregated data. If the population of Mauritius as a whole was happy with the idea of not being asked about their community, as had been the case in the country's censuses since 1990, the Committee should not suggest that the State party change its procedure. However, a problem arose if

the population was not satisfied. He would be interested to hear in particular about the position of the Creole population, which was grouped with the “general population”.

30. He wished to know whether there was civil marriage in Mauritius, and whether marriages between individuals from different faiths were recognized by law. He also asked the delegation to explain what was meant by “discrimination by victimization”, as prohibited under the Equal Opportunities Act.

31. **Mr. Kut** said that, while he understood the State party’s concern that the collection of disaggregated data on the ethnic composition of the country was divisive, he noted that the report appeared to contain extremely detailed information on the ethnic, linguistic and religious make-up of the Mauritian population. He therefore wondered where the problem lay. Noting that Mauritius had a relatively well-developed human rights infrastructure, with a National Human Rights Commission, Ombudsman and various programmes, he asked for details of how they worked in practice. For example, he would be interested to know which groups in particular were targeted by the national action plan on human rights and which were considered vulnerable in Mauritian society.

32. **Mr. Diaconu** asked the delegation to comment on whether Mauritian legislation covered discrimination practised by individuals against other individuals as well as discrimination by the State. Referring to article 4 of the Convention, he noted that the provisions of the Criminal Code appeared to cover only incitement to racial hatred; there was no specific criminalization of the dissemination of ideas based on racial superiority or racially motivated violence. He wished to know whether, in the State party’s view, the existing provisions could be deemed to cover other racist acts that did not fall under incitement to racial hatred.

33. Noting that the National Human Rights Commission was not competent to deal with the right to protection from discrimination, he welcomed the establishment of the new Equal Opportunities Commission, which could deal with all acts of direct and indirect discrimination. He asked the delegation to provide details of how the country’s four population groups were represented in the National Assembly. He would also be interested to hear what action the Government planned to take in response to the views of the Human Rights Committee in the case relating to participation in elections.

34. He asked which languages were used for teaching in schools. The State party needed to adopt measures to ensure that Creole communities enjoyed a decent standard of living. With regard to the State party’s dispute with the United Kingdom over the Chagos archipelago, he suggested that, should negotiations between the two parties fail, Mauritius could consider lodging a complaint before the Committee on alleged violations of the Convention by the United Kingdom.

35. **Mr. Saidou** said the fact that membership of the National Human Rights Commission was reviewed every four years was a source of concern. For the Commission to work effectively, its members required longer mandates. He asked what was being done to eradicate vestiges of caste-consciousness from society.

36. **Mr. Vázquez** said that the absence of disaggregated data on the Creole community, the most disadvantaged group in the State party, was of particular concern to the Committee. Without such data, it was difficult to identify problems and establish appropriate measures to remedy them. Including the Creoles in the “general population community” category resulted in the mixing of the country’s poorest and most affluent social groups, rendering statistics on the “general population” next to meaningless from the Committee’s point of view. It appeared that Creoles were disgruntled and felt that their community and culture were being neglected by the authorities. Individual social and economic success in the State party depended largely on success in a fiercely competitive education system. The poorest population groups could not afford the extra private tutoring

that most pupils required to reach university. Creoles, therefore, would remain disadvantaged if they did not benefit from special measures to help them escape the cycle of poverty.

37. **Mr. Kemal**, noting the growing economic vigour of the State party, observed that the gap between the Creoles and other sectors of the population was continuing to widen. The failure to collect statistics on the ethnic origin of members of the various communities could hamper efforts to combat racial discrimination. He asked whether any programmes were in place to provide financial support in order to allow members of the poorest groups in society to enter higher education. He would also like to know whether any one community was more heavily represented among the prison population than others. Lastly, he urged the State party to file its periodic reports with greater frequency.

38. **The Chairperson** said that a corrigendum to paragraph 192 of the State party's combined periodic reports had been issued.

39. **Ms. Fong Weng-Poorun** (Mauritius) said that the Government had decided in 1982 to stop collecting disaggregated statistical data based on the four communities that had been delineated by the colonial administration prior to independence in 1968. That arbitrary division, and especially the definition of the "general population community", were contentious and potentially divisive. The present yardstick for data collection was religious identity. Policies on the various communities focused above all on the promotion of their respective cultures. The State party was still striving to consolidate a unified national identity, without which further economic and social development could be jeopardized. A civic education programme had been introduced in schools in 2012 in order to inculcate a sense of national identity and unity among pupils.

40. Conceding that the education system in the State party might be considered elitist, she said that measures had been taken to help pupils from disadvantaged sectors of the population, which were not restricted to Creole communities. More broadly, policies were in place to eradicate poverty, build public housing for the needy and provide other necessary services. In some schools, poorer pupils received free meals and uniforms, and teachers gave extra classes to those unable to afford private tuition. Scholarships awarded on the basis of social criteria, 18 of which had been made available in 2013, were designed to help pupils from disadvantaged backgrounds to enter university either at home or abroad. A poverty-alleviation programme funded by the European Union had been set up to help train poorer people to become entrepreneurs.

41. The Government was considering holding a nationwide referendum on electoral reform in order to remove the obligation for candidates to declare the community they belonged to in order to stand. They sometimes refused to do so and appealed to the National Human Rights Commission, thereby highlighting the vexatious nature of the matter. Reports on electoral reform recently submitted by three experts had met with considerable public opposition.

42. **Mr. Calí Tzay** said he wondered whether the State party was attempting to downplay the country's cultural diversity for the sake of promoting a single national identity. He found the delegation's explanations concerning electoral reform confusing.

43. **Ms. Fong Weng-Poorun** (Mauritius) said that, on the contrary, cultural diversity was being fostered in the State party through the establishment of different language-speaking unions and cultural centres. Moves to reform electoral laws were designed to remove a potential cause of friction from the political arena. Inter-communal marriages were common in the State party and admission to schools was not restricted by community.

The meeting rose at 5.55 p.m.



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
28 March 2013
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Original: French

Committee on the Elimination of Racial Discrimination Eighty-second session

Summary record of the 2220th meeting

Held at the Palais des Nations, Geneva, on Thursday, 21 February 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Fifteenth to nineteenth periodic reports of Mauritius (continued)

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The meeting was called to order at 10.20 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Fifteenth to nineteenth periodic reports of Mauritius (continued)
(CERD/C/MUS/15-19, CERD/C/MUS/15-19/Corr.1 and CERD/C/MUS/Q/15-19)

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*
2. **Mr. Dhalladoo** (Mauritius) said that the United Kingdom exercised de facto, but unlawful, control over the Chagos archipelago, from which it had expelled all inhabitants, and was thus acting in violation of its obligations under articles 2 and 5 of the Convention. In 2011 and 2012, Mauritius had unsuccessfully attempted to engage the United Kingdom in negotiation with a view to settling the dispute as to the interpretation of article 22 of the Convention and reasserting its sovereignty over the archipelago so as to allow the Chagossians to return to their ancestral land. In 2010, Mauritius had also instituted proceedings before the Special Arbitral Tribunal constituted in accordance with the United Nations Convention on the Law of the Sea to challenge the plan to create a marine protected area around the archipelago. The Tribunal had accepted Mauritius' challenge in a first ruling issued in January 2013, which was a first step towards settling the dispute. The case had not been referred to the International Court of Justice. For several years the Government of Mauritius had been working to improve the living conditions of the approximately 8,680 Chagossians living in Mauritius, including by awarding land and property titles to more than a thousand of them. The remit of the Chagossian Welfare Fund was to design programmes that would foster the integration of the Chagossian community, to improve its socioeconomic prospects, to run community centres and to establish scholarship schemes. The Fund also provided financial assistance and medical services to disadvantaged families and supported the community's cultural cohesion by organizing activities of various forms, including civic education activities.
3. **Ms. Goordyal-Chitto** (Mauritius) explained that although the Convention had not been transposed into domestic law most of its provisions were incorporated into various pieces of legislation, thereby guaranteeing that Mauritian law was fully compliant with the Convention. There was no common definition of racial discrimination but the Constitution guaranteed respect for fundamental freedoms including the right not to be subjected to discrimination on the grounds of race, religious belief, colour or caste. The Equal Opportunities Act provided that all persons had the right to equal treatment, particularly in employment, the provision of services and access to education. The 2001 Information and Communication Technologies Act prohibited the dissemination of offensive statements or content and the 2003 Computer Misuse and Cybercrime Act had been applied in four cases, after racist statements had been posted on a social media site. In the event of a violation by any individual or legal entity of the provisions outlawing discrimination, all Mauritian citizens had the right to assert their constitutional rights by applying to the Supreme Court or lodging a complaint with the National Human Rights Commission or the Office of the Ombudsman. To date, no complaints had been submitted alleging violations of article 282 of the Criminal Code, concerning incitement to racial hatred, but the competent authorities would inform the Committee of any such cases that might arise in the future. For historical reasons, a Muslim law regulating personal status existed in parallel with the common law but the law in question contained no discriminatory provisions and was compatible with the Convention.
4. In 2010, an oversight committee had been established to harmonize labour law with the provisions of international instruments including the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Pursuant

to the Civil Code, migrant workers had the right to a minimum wage and the same social security benefits as nationals of Mauritius. They also had the right to join a trade union, and to submit complaints concerning the working conditions of migrant workers to the labour inspectorate, which referred the complaints to the competent bodies for redress. An Equal Opportunities Commission had been established under the Equal Opportunities Act, which prohibited direct and indirect discrimination of all forms, as well as discrimination by victimization. Lastly, the Electoral Supervisory Commission was empowered to appoint additional members to the National Assembly to correct any imbalance in the fair representation of the country's different ethnic communities (the Hindu community, Muslim community, Sino-Mauritian community and the "general population").

5. **Ms. Fong Weng-Poorun** (Mauritius) said that Mauritius had a multi-ethnic and multiracial population of 1.2 million inhabitants and that the Government was committed to promoting and preserving the country's historical, cultural and linguistic heritage. Thus, the authorities had decided to begin teaching Mauritian Creole (Kreol Morisien) in primary schools as of 2012 and planned to teach it in secondary schools also in the years to come. Since Creole was spoken by the entire population, a Creole television channel had been established and several national radio stations broadcast programmes in Creole. The Truth and Justice Commission had been created to officially commemorate the abolition of slavery, to undertake an inquiry into its legacy and to determine the measures to be adopted to provide redress for the descendants of slaves and indentured Indian labourers. The mandate of the Commission, which was independent of the Government, was to promote national reconciliation and social justice and to formulate to that end recommendations that would serve to guide public policies. The Commission had specifically recommended that slaves' economic contribution to the building of the nation should be better recognized, that the cultural heritage of slavery should be preserved, that an inventory of historic sites forming part of that heritage should be established, and that land should be allocated to the descendants of slaves without charge. Many companies active in Mauritius had accepted their social responsibility by sponsoring civil society-run programmes in various fields, including the provision of aid for vulnerable population groups, education, disaster prevention, health care and housing.

6. The National Human Rights Commission was responsible for investigating violations of article 2 of the Constitution, which prohibited discrimination by public officials on the grounds of race, caste, sex or creed. However, to date it had received only a small number of complaints. The Equal Opportunities Commission, which dealt with all cases of discrimination by public authorities or between individuals, had received 496 complaints, but only 3 of them had proved to be genuine cases of discrimination. All of those cases had been settled amicably. The National Human Rights Action Plan was designed specifically to promote the economic, social and cultural rights of disadvantaged groups in the areas of education, housing and health. The groups most vulnerable to discrimination were those living below the poverty line, that is, those whose income was less than 6,200 rupees per month. Poverty was a nationwide problem that did not affect any one community in particular. According to a survey conducted in December 2012 by the Ministry of Social Integration and Economic Empowerment, approximately 40,000 people were living below the poverty line.

7. The Ministry of Education was mandated to give all citizens, irrespective of their ethnic origin, full access to education. Summer schools were organized for poor families and were attended by many Creole children. Priority education zones had also been established to combat social inequalities. With regard to measures taken to eliminate the caste system, the establishment of the Equal Opportunities Commission was an important advance. The Commission was working to raise public awareness of the issue, with a view to engineering a change of attitudes, particularly among young people. The Mauritian

Cultural Centre Trust was working to promote Mauritian culture and develop a plural Mauritian cultural identity.

8. **The Chairperson** asked whether the Government planned to amend the Constitution.

9. **Mr. de Gouttes** asked whether the mandates of the Equal Opportunities Commission and the National Human Rights Commission overlapped. He would also like to know what the relationship was between the different races and castes and whether the caste system persisted in the State party.

10. **Mr. Murillo Martínez** asked why the Government had created the Truth and Justice Commission. He would also like to know the legal status of the Chagossian expatriates in the United Kingdom and whether the Government of Mauritius maintained dialogue with them. Did the State party believe that the Government in office at the time bore responsibility for losing control of the Chagos archipelago? And how did it interpret the Committee's general recommendation No. 32 on special measures? With regard to interracial marriages, he would like to know whether both spouses had equal rights irrespective of their sex and ethnic origin.

11. **Ms. Goordyal-Chitto** (Mauritius) said that the Government planned to review the Constitution and the system of funding elections and political parties in 2012–2013. The National Human Rights Commission and the Equal Opportunities Commission had very specific mandates that did not overlap. The Constitution of Mauritius, which enshrined the principle of equal rights for all citizens, did not allow for positive discrimination but special measures could be adopted on an exceptional basis to take account of particular circumstances. With regard to interracial marriages, both spouses had the same rights, irrespective of their ethnic origin.

12. **Mr. Dhalladoo** (Mauritius) said that his country had raised the issue of the Chagos archipelago before the African Union, which had adopted a resolution supporting any action that the Government might take to assert its sovereignty. Most of the Chagossian expatriates in the United Kingdom had British nationality.

13. **Ms. Fong Weng-Poorun** (Mauritius) said that the Government had established the Truth and Justice Commission in 2005 to address criticisms and complaints from descendants of slaves and Indian workers who were aggrieved by the failure to recognize their ancestors' contribution to building the nation. Eager to reconcile Mauritius with its history, the Government was endeavouring to establish the historical truth, and thus to be able to guarantee some degree of social justice. The Truth and Justice Commission was considering the possibility of returning the land of their ancestors to the slaves' descendants. The caste system, which the Indian workers had brought with them when they came to Mauritius, was part of the mentality and traditions inherited from their ancestors. It still influenced marriages but was gradually disappearing as interaction between the different castes grew. Clearly the Government did not encourage the caste system.

14. **Mr. Glover** (Equal Opportunities Commission of Mauritius) said that the Commission had been established in April 2012 on the recommendation of the Truth and Justice Commission. It had had a discrete budget, separate from that of the Office of the Prime Minister, since November 2012 and was therefore completely independent. The Equal Opportunities Act had been designed to eliminate acts of discrimination committed by private sector employers and had extended the Commission's purview to include acts of indirect discrimination. It had reversed the burden of proof so that the perpetrator of an allegedly discriminatory act was required to prove the absence of discriminatory motivation instead of the victim being required to provide evidence that he or she had suffered discrimination. It had also increased the number of grounds of discrimination that it was possible to invoke from 5 to 12. Since the language a person spoke could also sometimes

result in discriminatory treatment, the possibility of adding language as a thirteenth protected ground was under consideration. By incorporating the concept of equal opportunities in domestic law, the Equal Opportunities Act served not only to reduce discrimination but also to ensure that every person had the opportunity for social and professional advancement based on merit and ability. The Act covered direct and indirect discrimination based on a specific characteristic appertaining or imputed to the aggrieved person. It gave the Equal Opportunities Commission the authority to investigate, on its own initiative or in response to a complaint, any incident of discrimination brought to its attention, and to refer the case to the Director of Public Prosecutions if the alleged incident was thought to constitute a criminal offence. The Commission was required to favour reconciliation and referred cases to the Equal Opportunities Tribunal only if the parties were unable to find an amicable settlement.

15. The Commission's activities might on occasion overlap with those of the Public Bodies Appeal Tribunal or the Office of the Ombudsman. However, it was important to underscore that the Commission's jurisdiction extended only to cases of discrimination based on a personal characteristic of the aggrieved person. Nineteen percent of the approximately 500 complaints that had already been lodged related to acts of discrimination on grounds within the Commission's purview, namely discrimination based on ethnic origin, race, colour, creed or caste. Specific cases resolved by the Commission included complaints of discrimination based on skin colour or ethnic origin on the part of directors of major hotel groups and of access to public places being refused on the same grounds.

16. **Mr. Kut** expressed surprise that, in the State party's view, the groups most vulnerable to racial discrimination were disadvantaged groups living below the poverty line. Noting that it was possible not to be poor and yet still suffer discrimination, and that it was unlikely that all persons living below the poverty line belonged to the same population group, he urged the State party to reconsider the question and to compile disaggregated statistics. Which population groups in Mauritius might be vulnerable to discrimination?

17. **Ms. Fong Weng-Poorun** (Mauritius) said that the Government of Mauritius would be sure to adopt a method of data collection that the Committee found more satisfactory and which made it easier to identify groups that suffered discrimination. However, he assured the Committee that no one specific population group was particularly vulnerable to discrimination. Only persons or groups of persons living in regions that were less developed and were disadvantaged in terms of service provision, for example, might consider themselves victims of discrimination. The economic crisis prevented the Government of Mauritius from taking a decision on whether to ratify the amendments to article 8, paragraph 6, of the Convention at present.

18. **Ms. January-Bardill** (Country Rapporteur) said that she welcomed the frank and open dialogue with the delegation of Mauritius. She commended the legal and institutional apparatus that the State party had established to combat discrimination but said that Mauritius would make real progress only if it put an end to the prevailing hierarchy of races, cultures, classes and castes. She asked the State party to explain how the measures taken to implement the Convention had served to improve the plight of the poorest and most disadvantaged communities, such as the Creoles and the Chagossians, and to eliminate the prejudices that persisted. She would like to know, in that regard, why, in statistical data, Creoles were considered to form part of the "general population". In its next periodic report, the State party should indicate how, and by which body, the recommendations of the Truth and Justice Commission had been implemented. It should also describe the mechanism used to ensure minority representation in Government, Parliament, the executive and legislative branches and local communities. Lastly, she urged the State party to continue cooperating with civil society and wished it success in the continuing negotiations with the British Government in relation to the Chagos islands,

reminding the delegation that the Committee had offered to provide Mauritius with assistance in that area.

19. **Mr. Varma** (Mauritius) thanked the members of the Committee for their interest in the human rights situation in his country and highlighted that the implementation of United Nations human rights instruments called for strengthening democracy and the rule of law, while at the same time according special attention to the needs of the poorest groups. He undertook to ensure that in future Mauritius submitted its periodic reports in due time.

The meeting rose at 1 p.m.



International Convention on the Elimination of All Forms of Racial Discrimination

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10 August 2016

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Committee on the Elimination of Racial Discrimination Ninetieth session

Summary record of the 2454th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 August 2016, at 3 p.m.

Chair: Ms. Crickley

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland

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The meeting was called to order at 3.05 p.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** *(continued)*

*Combined twenty-first to twenty-third periodic reports of the United Kingdom of
Great Britain and Northern Ireland (CERD/C/GBR/21-23; CERD/C/GBR/Q/21-23)*

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain
and Northern Ireland took places at the Committee table.*

13. **Mr. Kut** (Country Rapporteur) said that many pertinent developments had taken place in the United Kingdom since the previous periodic report in 2011. There had been a further devolution of powers, which established legislative and policy areas that fell within the exclusive remit of different jurisdictions and raised issues concerning the application of the Convention and the coordination of action to comply with human rights commitments. Societal and official reactions to the migrant crisis in Europe and the passionate campaign on whether to stay in the European Union or leave — “Brexit” — had contributed to an increase in racism and xenophobia.

21. He noted with interest that, although the State party did not consider the Convention to apply to the British Indian Ocean Territory, for the reasons set out in annex C to its periodic report, and maintained that unauthorized access to any part of the Territory could jeopardize the security of the military facility, it kept such restrictions under review and had commissioned an independent feasibility study of resettlement by Chagossians of the islands, including Diego García, which had been published on 10 February 2015 and was currently the subject of a policy review. Noting also that temporary access to the Territory was funded and facilitated by the British Indian Ocean Territory Administration to allow former islanders to visit, he asked whether the State party had changed its policy vis-à-vis the British Indian Ocean Territory.

28. **Mr. Murillo Martínez** said that the Committee would be following the consequences of the so-called “Brexit” with great interest, as some of the issues arising from that decision fell within the Committee’s purview. The election of Sadiq Khan, a Muslim, as mayor of London attested to the significant progress that had been made towards achieving racial equality in the United Kingdom.

29. The State party should give serious consideration to acknowledging the circumstances of the Chagossian community, which had become marginalized and itinerant, and to providing it with appropriate reparation.

37. **Mr. Yeung Sik Kuen** sought clarification of the “enforcement action” initiated by the Equality and Human Rights Commission against two police forces found to be disproportionately targeting black and Asian people when using stop and search powers. He also wished to know the name of the fifth police force with which the Commission had been working on the unfair use of such powers; did not naming it mean that that police force had failed to reduce its disproportionate use of stop and search against black and Asian people?

39. He noted that, by not reporting on the British Indian Ocean Territory, the United Kingdom had simply brushed aside the request made by the Committee in its previous concluding observations (CERD/C/GBR/CO/18-20, para. 12), as repeated in the list of themes (para. 4) issued in response to the present periodic report. Moreover, it had persistently dodged the issue of the resettlement of the Chagossians. The Committee hoped for a frank and open dialogue with the delegation on that issue, especially in light of the March 2015 decision of the International Tribunal for the Law of the Sea questioning the British Government’s creation of a Chagos marine reserve in April 2010, the real aim of which was to prevent Chagossians from exercising their right of return.



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
12 August 2016

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Committee on the Elimination of Racial Discrimination Ninetieth session

Summary record of the 2455th meeting

Held at the Palais Wilson, Geneva, on Friday, 5 August 2016, at 10 a.m.

Chair: Ms. Crickley

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Twenty-first to twenty-third periodic reports of the United Kingdom (continued)

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The meeting was called to order at 10.05 a.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** *(continued)*

Twenty-first to twenty-third periodic reports of the United Kingdom (continued)
(CERD/C/GBR/21-23, HRI/CORE/GBR/2014 and CERD/C/GBR/Q/21-23)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

26. **Ms. Bridgeman** (United Kingdom) said that questions pertaining to the British Indian Ocean Territory were outside the remit of the present dialogue until such time as the Government extended its ratification of the Convention to the Territory. However, the Government had commissioned an independent resettlement feasibility study and undertaken a 12-week public consultation, the results of which had been published in early 2016, in order to assess the best way to address the aspirations of the Chagossians. No policy decision had been taken thus far.

49. **Mr. Murillo Martínez** asked whether the State party intended to adopt a plan of action to implement the goals of the International Decade for People of African Descent or to establish a multiparty commission to promote the integration of people of African descent into the education system. He welcomed the establishment of a Mental Health Taskforce to address asymmetries in mental health disorders between the general population and people of African descent. He asked whether the communities concerned were involved in its proceedings to ensure that a holistic and integrated approach was adopted to the issue. Welcoming the independent review of inequalities in the judicial situation, he asked when the results would be available and whether people of African descent would be involved. He also welcomed the independent feasibility study of Chagossian resettlement and asked when the outcome of the policy review would be announced.

52. **Mr. Yeung Sik Yuen** said that the Committee had expressed deep concern in its previous concluding observations at the State party's position that the Convention did not apply to the British Indian Ocean Territory and had requested updated information in its list of themes. No such information had been provided on the ground that the Territory had no permanent inhabitants. He pointed out that the indigenous inhabitants had been displaced more than 40 years previously. However, he was pleased to hear that the independent feasibility study of resettlement of the islands by Chagossians was the subject of a policy review. He trusted that the State party would eventually switch to the right side of history on the issue.



International Convention on the Elimination of All Forms of Racial Discrimination

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3 October 2016

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland*

1. The Committee considered the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland (CERD/C/GBR/21-23), submitted in one document, at its 2454th and 2455th meetings (CERD/C/SR.2454 and 2455), held on 4 and 5 August 2016. At its 2473rd and 2474th meetings, held on 18 August 2016, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland and the information presented therein. The Committee appreciates the open and constructive dialogue that it had with the delegation of the State party, which included representatives of Northern Ireland, Scotland and Wales, as well as representatives of the Foreign and Commonwealth Office and of the Crown dependencies.

3. The Committee also appreciates the input to its proceedings by the Equality and Human Rights Commission, the Scottish Human Rights Commission, the Northern Ireland Human Rights Commission and various non-governmental organizations.

4. The Committee notes the complex structure of the State party, with devolved governments in Northern Ireland, Scotland and Wales, as well as the responsibility of the State party with regard to the British overseas territories and the Crown dependencies. The Committee reiterates that, as the duty bearer at the international level, the State party has the duty to ensure that the provisions of the Convention are implemented effectively in all territories it is responsible for, including the British overseas territories and the Crown dependencies, notwithstanding the specific governance arrangements that it may have adopted.

5. The concerns and recommendations contained in the present concluding observations therefore apply to all of the aforementioned jurisdictions, and the Committee

* Adopted by the Committee at its ninetieth session (2-26 August 2016).



calls upon the State party to ensure that the recommendations contained herein are effectively followed up on and implemented by the appropriate governments of Northern Ireland, Scotland and Wales, including at the local authority level, and by the governments of the British overseas territories and the Crown dependencies.

C. Concerns and recommendations

Forcible eviction of Chagossians from Diego Garcia

40. The Committee regrets that no progress has been made in implementing the Committee's previous recommendation to withdraw all discriminatory restrictions on Chagossians (Îlois) from entering Diego Garcia or other islands in the Chagos Archipelago (see CERD/C/GBR/CO/18-20, para. 12), that the State party continues to maintain its position that the Convention does not apply to the British Indian Ocean Territory on the grounds that it has no permanent population and that the State party has not yet extended the application of the Convention to the Territory (arts. 2, 5 and 6).

41. **Taking note of the decision, adopted on 18 March 2015, of the arbitral tribunal constituted under annex VII of the United Nations Convention on the Law of the Sea in the matter of the Chagos Marine Protected Area Arbitration, the Committee reiterates its previous recommendation (see CERD/C/GBR/CO/18-20, para. 12) that the State party has an obligation to ensure that the Convention is applicable in all territories under its control, including the British Indian Ocean Territory, and urges the State party to hold full and meaningful consultations with the Chagossians (Îlois) to facilitate their return to their islands and to provide them with an effective remedy, including compensation.**

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Seventh session

SUMMARY RECORD OF THE 164th MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 7 August 1979, at 3 p.m.

Chairman: Mr. MAVROMMATIS
later: Mr. KOULISHEV

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Consideration of reports submitted by States parties under article 40 of the Covenant: initial reports of States parties due in 1977 (continued)

United Kingdom of Great Britain and Northern Ireland (continued)

Other matters

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GE.79-3092

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE
COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 (agenda item 5) (continued)

United Kingdom of Great Britain and Northern Ireland (CCPR/C/1/Add.37 and Corr.1;
CCPR/C/1/Add.39) (continued)

1. The CHAIRMAN gave the floor to the representatives of the United Kingdom.

50. Mr. WATTS (United Kingdom of Great Britain and Northern Ireland), referring to the report by the Cayman Islands, which stated (CCPR/C/1/Add.37, annex D, para.1) that the Islands were bound by the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, explained that article 63 of that Convention allowed any State party to extend the application of the Convention to all its Territories or to any Territory for whose international relations it was responsible. That article had been invoked by the United Kingdom in 1953 when it had announced that the Convention would be extended to most of its dependent Territories. Since then, many of them had become independent. Of the Territories whose reports were now before the Committee, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, St. Helena and the Turks and Caicos Islands were subject to the Convention.

51. The Convention also contained optional provisions (articles 25 and 46) on the right of individual petition. Declarations accepting those optional provisions had been made in respect of Belize, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, St. Helena, and the Turks and Caicos Islands.

52. Mr. Movchan had asked what action had been taken by the United Kingdom to comply with decisions handed down under the European Convention which had found the United Kingdom to have violated article 3 of the Convention (which corresponded to article 7 of the Covenant). He presumed that the decisions in question were those referring to certain practices in Northern Ireland, and the decision handed down earlier in the year concerning corporal punishment in the Isle of Man. The United Kingdom delegation had already given an explanation in its supplementary report of 13 September 1978 (paragraphs 14-17) and at the 149th meeting (CCPR/C/SR.149, paragraph 3).

53. The question arose in that respect as to whether decisions under the European Convention concerning the meaning to be given to certain provisions in that Convention also applied to equivalent provisions in the Covenant. In his delegation's view, it would be wrong to regard decisions under the European Convention as conclusively determining, for the purposes of the Covenant, the meaning of words or phrases which appeared in both instruments. The two treaties had been concluded in different circumstances and nearly 20 years apart. Moreover, in view of the regional nature of the European Convention, it might not always be appropriate to

apply interpretations of its provisions to similar provisions in a world-wide instrument such as the Covenant. That did not mean that the decisions handed down under the European Convention should be disregarded altogether, since they were of persuasive weight for determining the meaning of equivalent terms used in the Covenant.

54. Neither the European Convention nor the Covenant expressly prohibited corporal punishment. The question hinged on the interpretation of the words "degrading treatment" in those instruments. It was true that the European Court had held that, that in certain circumstances, corporal punishment could constitute degrading treatment, and had done so in the Isle of Man case. The United Kingdom Government would carefully consider what, if any, implications that decision might have for the different circumstances prevailing in the dependent Territories, and the observations made by the members of the Committee would undoubtedly be very helpful in that connexion.

55. With regard to the specific information requested about the administration of corporal punishment in certain dependent Territories, the United Kingdom would reply in writing in due course.

56. With regard to the British Indian Ocean Territory and the Sovereign Base Areas in Cyprus, he said that his Government had not ratified the Covenant in respect of those two Territories.

**REPORT
OF THE
HUMAN RIGHTS COMMITTEE**

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTIETH SESSION

SUPPLEMENT No. 40 (A/40/40)



UNITED NATIONS

**REPORT
OF THE
HUMAN RIGHTS COMMITTEE**

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTIETH SESSION

SUPPLEMENT No. 40 (A/40/40)



UNITED NATIONS

New York, 1985

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[19 September 1985]

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 26 July 1985, the closing date of the twenty-fifth session of the Human Rights Committee, there were 80 States parties to the International Covenant on Civil and Political Rights and 35 States parties to the Optional Protocol to the Covenant, both adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. Both instruments entered into force on 23 March 1976 in accordance with the provisions of their articles 49 and 9 respectively. Also as at 26 July 1985, 18 States had made the declaration envisaged under article 41, paragraph 1, of the Covenant which came into force on 28 March 1979.

2. A list of States parties to the Covenant and to the Optional Protocol, with an indication of those which have made the declaration under article 41, paragraph 1, of the Covenant is contained in annex I to the present report.

3. Reservations and other declarations have been made by a number of States parties in respect of the Covenant or the Optional Protocol. These reservations and other declarations are set out verbatim in documents of the Committee (CCPR/C/2 and Add.1-8).

B. Sessions and agendas

4. The Human Rights Committee has held three sessions since the adoption of its last annual report: the twenty-third session (545th to 572nd meetings) was held at the United Nations Office at Geneva from 22 October to 9 November 1984; the twenty-fourth session (573rd to 599th meetings) was held at United Nations Headquarters, New York, from 25 March to 12 April 1985; and the twenty-fifth session (600th to 624th meetings) at the United Nations Office at Geneva from 8 to 26 July 1985. The agendas of the sessions are shown in annex III.

C. Membership and attendance

5. At the eighth meeting of States parties, held at United Nations Headquarters, New York, on 14 September 1984, nine members of the Committee were elected, in accordance with articles 28 to 32 of the Covenant, to replace those whose terms of office were to expire on 31 December 1984. The following members were elected for the first time: Mrs. Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland), Mr. Fausto Pocar (Italy), Mr. S. Amos Wako (Kenya) and Mr. Adam Zielinski (Poland). Mr. Rajsoomer Lallah (Mauritius), who had earlier served as a member of the Committee from 1 January 1977 to 31 December 1982, was elected again as a member of the Committee. Messrs. Aguilar, Mavrommatis, Movchan and Serrano Caldera, whose terms of office were to expire on 31 December 1984, were re-elected. A list of the members of the Committee in 1985 is given in annex II.

6. All the members attended the twenty-third, twenty-fourth and twenty-fifth sessions of the Committee.

D. Solemn declarations

7. At the 573rd, 577th and 579th meetings, during the twenty-fourth session, members of the Committee who were elected or re-elected at the eighth meeting of the States parties to the Covenant made a solemn declaration, in accordance with article 38 of the Covenant, before assuming their functions.

E. Election of officers

8. At its 574th meeting, held on 25 March 1985, the Committee elected the following officers for a term of two years in accordance with article 39, paragraph 1, of the Covenant:

Chairman: Mr. Andreas V. Mavrommatis

Vice-Chairmen: Mr. Birame N'diaye
Mr. Julio Prado Vallejo
Mr. Christian Tomuschat

Rapporteur: Mr. Bernhard Graefrath

F. Working groups

9. In accordance with rule 89 of its provisional rules of procedure, the Committee established working groups to meet before its twenty-third, twenty-fourth and twenty-fifth sessions entrusting them with the task of making recommendations to the Committee regarding communications under the Optional Protocol.

10. The Working Group of the twenty-third session was composed of Messrs. Cooray, Dimitrijevic, Graefrath and Tomuschat. It met at the United Nations Office at Geneva from 15 to 19 October 1984 and elected Mr. Tomuschat as its Chairman/Rapporteur. The Working Group of the twenty-fourth session was composed of Messrs. Cooray, Dimitrijevic, Prado Vallejo and Tomuschat. It met at United Nations Headquarters, New York, from 18 to 22 March 1985. Mr. Dimitrijevic was elected Chairman/Rapporteur. The Working Group of the twenty-fifth session was composed of Mr. Cooray, Mrs. Higgins and Mr. Prado Vallejo. It met at the United Nations Office at Geneva from 1 to 5 July 1985 and elected Mr. Cooray as its Chairman/Rapporteur.

11. Under rule 62 of its provisional rules of procedure, the Committee also established working groups to meet before the twenty-third, twenty-fourth and twenty-fifth sessions, mandating them to prepare concise lists of issues or topics concerning second periodic reports scheduled for consideration at the Committee's twenty-third, twenty-fourth and twenty-fifth sessions; to make recommendations to the Committee as to how, in general, supplementary reports should be dealt with and how, in particular, supplementary reports already submitted should be treated; to review the Committee's methodology for dealing with second periodic reports; to prepare a programme for the Committee's further work on the drafting of general comments; and to consider any draft general comments that might be put before the Working Group.

12. The Working Group of the twenty-third session was composed of Messrs. Graefrath, N'diaye and Sir Vincent Evans. It met at the United Nations

Office at Geneva from 15 to 19 October 1984 and elected Sir Vincent Evans as its Chairman/Rapporteur. The Working Group of the twenty-fourth session was composed of Messrs. Movchan, N'diaye and Opsahl. It met at United Nations Headquarters, New York, from 18 to 22 March 1985 and elected Mr. Opsahl as its Chairman/Rapporteur. The Working Group of the twenty-fifth session met at the United Nations Office at Geneva from 1 to 5 July 1985. It was composed of Messrs. Aguilar, Graefrath, N'diaye and Opsahl. It elected Mr. Aguilar as its Chairman/Rapporteur.

G. Question of the transmission of the annual report of the Committee to the General Assembly

13. By its decision 1983/101 of 4 February 1983, the Economic and Social Council invited the Committee to consider the possibility of rescheduling its meetings so as to allow for transmittal of the Committee's annual report to the General Assembly through the Economic and Social Council. During 1984, consultations were held with regard to this matter between the President of the Economic and Social Council and the Chairman of the Human Rights Committee. The various implications of the proposal were considered by the Committee in some detail at its eighteenth and twenty-first sessions. The Committee reached the conclusion that, in view of its membership and functions, it would not be possible for it to rearrange its meetings and that, if its report were to be adopted during its spring session, it would be almost nine months out of date by the time it came before the General Assembly. Accordingly, at its twenty-third session, held from 22 October to 9 November 1984, the Committee decided as an interim arrangement "to request the Economic and Social Council to continue to authorize the Secretary-General, as it has done in the past, to transmit the report of the Human Rights Committee directly to the General Assembly, without prejudice to further consideration of the present arrangements at any time by the Economic and Social Council or by the Committee".

14. By its decision 1985/105 of 8 February 1985, the Economic and Social Council decided "to agree to the interim arrangement proposed and, without prejudice to further consideration by the Council of the present arrangements at a future session, to authorize the Secretary-General to transmit the annual report of the Human Rights Committee directly to the General Assembly". During its first regular session, on 24 May 1985, the Council adopted decision 1985/117, in which it authorized the Secretary-General "to transmit the annual report of the Human Rights Committee directly to the General Assembly at its fortieth session".

H. Miscellaneous

15. Members of the Committee continued to place great emphasis on the importance of publicizing the text of the Covenant and the Committee's work, which they regarded as significant in promoting the observance and enjoyment of the fundamental rights and freedoms contained in the Covenant. In examining the reports of States parties, members of the Committee also continued to stress the importance of bringing the Covenant to the notice of administrative and judicial authorities and of having the text of the Covenant translated into the main local languages of a State party.

16. At the Committee's twenty-fourth session, the Assistant Secretary-General for Human Rights informed the committee that the first set of annual bound volumes covering the Committee's activities during 1977 and 1978 was with the printers and that publication was expected prior to the Committee's session in the fall of 1985.

He also informed the Committee that the volume entitled Selected Decisions under the Optional Protocol (second to sixteenth sessions) had been published. At the Committee's twenty-fifth session, he informed it that the preparatory work had started within the Centre For Human Rights on the annual bound volumes concerning the Committee's activities during 1979 and 1980 and that it was hoped to complete the editorial work by the end of the year.

17. The question of providing technical assistance to States parties, inter alia, in order to help them meet their obligations under the Covenant, has been considered by the Committee in previous years. 1/ At its twenty-second session, pursuant to a request by the Government of Guinea, the Committee authorized one of its members to make himself available for consultation with the Government of Guinea with a view to ascertaining how that Government could be assisted in fulfilling its reporting obligations under the Covenant. 2/ That member, Mr. Birame N'diaye, reported to the Committee at its twenty-fourth session on the visit to Guinea he had undertaken for the foregoing purpose, from 11 to 14 March 1985. The Committee noted with satisfaction that the Government of Guinea had extended a warm reception and outstanding co-operation to Mr. N'diaye and had decided to complete Guinea's report by June 1985. The Committee further noted the need of Guinea, and possibly also that of other African countries in similar circumstances, for additional assistance in meeting obligations under the Covenant.

18. At the twenty-fourth session, a representative of the Government of Uruguay conveyed a message to the Committee from the Minister for Foreign Affairs of that country. Referring to the solemn announcement of the Government of Uruguay regarding its intention to observe faithfully the provisions of the Universal Declaration of Human Rights and of all international human rights instruments, the message listed a number of measures that had already been taken by the Government to that end, including: approval of a law of amnesty; restoration of judicial independence and freedom of the press; repeal of regulations prohibiting or limiting trade-union rights, including the right to strike; ratification of the American Convention on Human Rights 1969; restoration of academic freedom; removal of the prohibition on the activities of political parties; establishment of a National Repatriation Commission to promote the return of exiled Uruguayans; and the reinstatement of all civil servants dismissed for ideological, political and trade-union beliefs. The message also expressed the appreciation of the people of Uruguay for the many demonstrations of international solidarity at a time when their rights had been systematically ignored and violated, including, in particular, their appreciation for the close attention members of the Human Rights Committee had given to communications from Uruguay. The Committee warmly welcomed the message, which indicated that Uruguay had embarked on a new path towards full compliance with the Covenant.

19. The Assistant Secretary-General for Human Rights informed the Committee at its twenty-fifth session that a training course on the preparation and submission of reports had been organized by the United Nations Institute for Training and Research (UNITAR) at the suggestion of the Centre for Human Rights. The training course had been successfully held in Barbados from 29 April to 10 May 1985; 18 officials of the rank of Attorney-General, Solicitor-General and senior members of ministries of justice and foreign affairs from different Caribbean countries had participated. In assessing the results of that initial experience, the Assistant Secretary-General indicated that the participants had expressed high appreciation for the training course and had asked that such efforts be repeated periodically in the future. He further informed the Committee of the Centre's view that great value could be derived from pursuing the endeavour and that UNITAR, with the

co-operation and the active support of the Centre, was exploring the possibility of organizing other training courses of that type in Asia and Africa. As to the Centre's programme of advisory services, the Assistant Secretary-General pointed to the increasing emphasis being placed on responding to the need for practical training of officials whose tasks involved the implementation of the Covenants. He stated in that connection that the Centre intended to give priority to such officials in awarding human rights fellowships.

20. Also at the twenty-fifth session, the Assistant Secretary-General informed the Committee and provided relevant details concerning the establishment by the Economic and Social Council, at its first regular session in May 1985, of the Committee on Economic, Social and Cultural Rights.

21. The Committee also considered certain matters relating to the consultations on the composition of its bureau, the content of the summary records, the annual report and the services made available to the Committee by the Secretariat.

I. Adoption of the report

22. At its 622nd and 623rd meetings, held on 25 July 1985, the Committee considered the draft of its ninth annual report covering the activities of the Committee at its twenty-third, twenty-fourth and twenty-fifth sessions, held in 1984 and 1985. The report, as amended in the course of the discussions, was unanimously adopted by the Committee.

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

B. Consideration of reports

1. Introduction

47. During its twenty-third, twenty-fourth and twenty-fifth sessions, the Committee considered initial reports from Trinidad and Tobago, the Dominican Republic, New Zealand - Cook Islands and Afghanistan, as well as supplementary reports from Venezuela and Canada. It also considered second periodic reports from Chile, 8/ the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, Spain, the United Kingdom of Great Britain and Northern Ireland and the Ukrainian Soviet Socialist Republic. The status of reports considered during the period under review and reports still pending consideration is indicated in annex V below.

2. Second periodic reports

48. The Committee's approach and procedure for considering second periodic reports was described in some detail in the Committee's eighth annual report. 9/ As indicated in that report, the Committee agreed to continue to develop its procedure within the context of its statement of duties under article 40 of the Covenant 10/ and agreed that the matter should be reviewed by the Working Group on article 40 of the Covenant which was to meet before its twenty-third session. On the basis of its review of the methodology for dealing with second periodic reports, the Working Group concluded that the existing approach would not require major modifications. In preparing the list of issues for the consideration of the second periodic reports which were to be taken up during the twenty-third session, the Working Group was able to introduce some refinements, making the lists more concise and yet sufficiently precise to highlight the specific matters which the Committee wished to focus on. The Group also agreed that the effectiveness of the procedure would depend largely on restraint by members of the Committee in exercising their right to comment and put questions, especially as the time available for considering second periodic reports was limited.

49. The Committee proceeded on the foregoing basis in considering the second periodic reports of the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic at the twenty-third session, of Spain and the United Kingdom at the twenty-fourth session and of the Ukrainian Soviet Socialist Republic at the twenty-fifth session.

50. The Committee still feels the need to improve its procedure for considering second periodic reports.

3. Supplementary reports

51. After considering the report of its Working Group under article 40 of the Covenant concerning supplementary reports, the Committee decided as follows at its 601st meeting:

The supplementary information provided by the Gambia, Kenya and France, whose second periodic reports are due in 1985, 1986 and 1987 respectively, are to be considered together with the second periodic reports and the States parties should be informed accordingly.

The supplementary information provided by Panama is to be considered together with that State party's second periodic report, which was originally due on 6 June 1983. The Committee extends the time-limit for the submission of the report to 31 December 1986.

52. The Committee also agreed to consider further the general question of its approach to additional information and decided to request its Working Group under article 40, which was to meet prior to its twenty-sixth session, to consider the situation with respect to the provision of additional information promised by various States parties, as well as how to proceed when such information had not been submitted in time.

4. States parties

53. The following sections relating to States parties are arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of reports at its twenty-third, twenty-fourth and twenty-fifth sessions. These sections are only summaries, based on the summary records of the meetings at which the reports were considered by the Committee. Fuller information is contained in the reports and additional information submitted by the States parties concerned 11/ and in the summary records referred to.

United Kingdom of Great Britain and Northern Ireland

518. In accordance with the statement on its duties under article 40 of the Covenant adopted at its eleventh session (CCPR/C/18) and the guidelines adopted at its thirteenth session regarding the form and content of reports from States parties (CCPR/C/20), and having further considered the method to be followed in examining second periodic reports, the Committee, prior to its twenty-fourth session, entrusted a working group with the review of the information so far submitted by the Government of the United Kingdom of Great Britain and Northern Ireland in order to identify those matters which it would seem most helpful to discuss with the representatives of the reporting State. The working group prepared a list of issues to be taken up during the dialogue with the representative of the United Kingdom. The list, supplemented by the Committee, was transmitted to the representatives of the United Kingdom prior to their appearance before the Committee with appropriate explanations or the procedure to be followed. The Committee stressed, in particular, that the list of issues was not exhaustive and that members could raise other matters. The representatives of the United Kingdom would be asked to comment on the issues listed, section by section, and to reply to members' additional questions, if any.

* * *

519. The Committee considered the second periodic report of the United Kingdom of Great Britain and Northern Ireland (CCPR/C/32/Add.5) at its 593rd to 598th meetings, held from 9 to 11 April 1985 (CCPR/C/SR.593-598).

520. The report was introduced by the representative of the State party who stated that a number of significant developments had taken place in United Kingdom domestic law and administrative practice since the submission of his country's initial report. They included the enactment of the Police and Criminal Evidence Act, the Mental Health Act, the British Nationality Act and the Data Protection Act, changes in the rules governing prisoners' correspondence and a review of disciplinary offences applying to prisoners and of the arrangements for their investigation, adjudication and punishment. The arrangements for compensating miscarriages of justice were also currently under review by the Home Office as was its legislation on public order. The Interception of Communications Bill, which placed the interception of communications on a statutory footing and established machinery for investigating complaints of unlawful interception, and the Prosecution of Offences Bill, which for the first time established a national prosecution service independent of the police and provided for statutory time-limits within which a defendant must be brought to trial, were currently before Parliament. Domestic courts were also making increasing use of the procedure for judicial review, under which the reasonableness of administrative decisions could be challenged before the courts and a ruling obtained. Finally, all the recommendations of an independent inquiry into the operation of the

prevention of terrorism legislation, which were designed to mitigate the severity of some of that legislation's provisions, had been implemented in the Prevention of Terrorism (Temporary Provisions) Act 1984 and the Government was currently reviewing the Northern Ireland emergency legislation in the light of the recommendations of a 1984 inquiry into that legislation.

521. The representative noted that his country's second periodic report concerned only the metropolitan territory of the United Kingdom and that a supplementary report on the United Kingdom dependent territories would be submitted shortly, for consideration by the Committee at a future session.

Self-determination, including internal and external aspects

536. With reference to that issue, members of the Committee wished to know what the situation was regarding the territories that had not yet become independent, what the United Kingdom's intentions were with regard to the possible withdrawal of its reservation concerning the application of the Covenant to the British Indian Ocean Territories in furtherance of articles 1 and 12 of the Covenant, what its position was on the right of self-determination of the peoples of Namibia and Palestine; what its intentions were concerning islands which had belonged to Mauritius and which had subsequently been incorporated into the British Indian Ocean Territories and how it exercised its power at home over British subjects and corporations to prevent them from supporting the South African régime. It was also asked what the United Kingdom Government was doing to promote self-determination in Northern Ireland and what the constitutional and political processes were that would allow the exercise of the right of self-determination, what had been done to develop a dialogue with a view to resolving the situation in the Falkland Islands, what the nature and legal basis of the ties existing between the United Kingdom and the Channel Islands was and what the constitutional position of Governors-General was and whether holders of that office had the right to invite foreign intervention without the consent of the local authorities. Noting that 11 dependent territories had gained independence since the submission of the United Kingdom's initial report, one member inquired how many dependent territories remained. Commenting on the success of the United Kingdom's decolonization policy, another member questioned the utility of retaining the United Kingdom's reservation to article 1 of the Covenant and asked whether the withdrawal of that reservation could be reconsidered.

537. In his reply to the questions raised by members of the Committee, the representative of the State party said that a supplementary report dealing with the United Kingdom's dependent territories - and, inter alia, with the question whether the United Kingdom intended to withdraw its reservation concerning the application of the Covenant to the British Indian Ocean Territories as well as with the question concerning the Falkland Islands - would be submitted at a later stage. His Government had the highest regard for its obligations under article 1 of the Covenant and was not indifferent to the many cases of international disputes involving the right of self-determination. Its position on such issues, including the important questions of Namibia and Palestine, had been clearly stated before the relevant United Nations bodies and was well known. He assured the Committee that no British companies were responsible for the denial of the right of self-determination in southern Africa and stated that the United Kingdom had no intention of detaching any part of Mauritius.

**REPORT
OF THE
HUMAN RIGHTS COMMITTEE**

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-FOURTH SESSION

SUPPLEMENT No. 40 (A/44/40)



UNITED NATIONS

New York, 1989

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[29 September 1989]

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 28 July 1989, the closing date of the thirty-sixth session of the Human Rights Committee, there were 87 States parties to the International Covenant on Civil and Political Rights and 45 States parties to the Optional Protocol to the Covenant, both of which were adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. Both instruments entered into force on 23 March 1976 in accordance with the provisions of their articles 49 and 9 respectively. Also as at 28 July 1989, 24 States had made the declaration envisaged under article 41, paragraph 1, of the Covenant, which came into force on 28 March 1979.
2. A list of States parties to the Covenant and to the Optional Protocol, with an indication of those which have made the declaration under article 41, paragraph 1, of the Covenant is contained in annex I to the present report.
3. Reservations and other declarations have been made by a number of States parties in respect of the Covenant and/or the Optional Protocol. These reservations and other declarations are set out verbatim in document CCPR/C/2/Rev.2.

B. Sessions and agendas

4. The Human Rights Committee has held three sessions since the adoption of its last annual report. The thirty-fourth session (841st to 867th meetings) was held at the United Nations Office at Geneva from 24 October to 11 November 1988, the thirty-fifth session (868th to 894th meetings) was held at United Nations Headquarters, New York, from 20 March to 7 April 1989 and the thirty-sixth session (895th to 922nd meetings) was held at the United Nations Office at Geneva from 10 to 28 July 1989. The agendas of the sessions are shown in annex III to the present report.

C. Membership and attendance

5. At the 10th meeting of States parties, held at United Nations Headquarters, New York, on 16 September 1988, nine members of the Committee were elected, in accordance with articles 28 to 32 of the Covenant, to replace those whose terms of office were to expire on 31 December 1988. The following members were elected for the first time: Messrs Francisco José Aguilar Urbina, János Fodor and Rein A. Myullerson. Mrs. Rosalyn Higgins, and Messrs. Rajsoomer Lallah, Andreas V. Mavrommatis, Fausto Pocar, Alejandro Serrano Caldera and S. Amos Wako, whose terms of office were to expire on 31 December 1988, were re-elected. A list of the members of the Committee in 1989 is given in annex II.
6. All the members, except Mrs. Higgins and Mr. Serrano Caldera, attended the thirty-fourth session of the Committee. All the members attended the thirty-fifth session; Mr. Mavrommatis attended only part of that session. The thirty-sixth session was attended by all the members of the Committee except Mr. Mommersteeg; Mr. Aguilar Urbina, Miss Chanet and Messrs. Cooray, Mavrommatis and Wako attended only part of that session.

D. Solemn declaration

7. At the 868th, 872nd and 876th meetings (thirty-fifth session), members of the Committee who had been elected or re-elected at the 10th meeting of States parties to the Covenant made a solemn declaration, in accordance with article 38 of the Covenant, before assuming their functions.

E. Election of officers

8. At its 868th and 869th meetings, held on 20 March 1989, the Committee elected the following officers for a term of two years in accordance with article 39, paragraph 1, of the Covenant:

Chairman: Mr. Rajsoomer Lallah

Vice-Chairmen: Mr. Joseph A. L. Cooray
Mr. Vojin Dimitrijevic
Mr. Alejandro Serrano Caldera

Rapporteur: Mr. Fausto Pocar.

9. The Committee expressed its deep appreciation to Mr. Julio Prado Vallejo, the outgoing Chairman, for his leadership and outstanding contribution to the success of the Committee's work.

F. Working groups

10. In accordance with rules 62 and 89 of its rules of procedure, the Committee established working groups to meet before its thirty-fourth, thirty-fifth and thirty-sixth sessions.

11. The working group established under rule 89 was entrusted with the task of making recommendations to the Committee regarding communications under the Optional Protocol. Additionally, the working group that met before the thirty-fifth and thirty-sixth sessions was mandated to review possible options for accelerating and facilitating the examination of communications. At the thirty-fourth session, the working group was composed of Messrs. Pocar, Prado Vallejo, Wako and Zielinski. It met at the United Nations Office at Geneva from 17 to 21 October 1988 and elected Mr. Wako as its Chairman/Rapporteur. At the thirty-fifth session, the working group was composed of Mr. Cooray and Mr. Dimitrijevic, Mrs. Higgins and Mr. Prado Vallejo. It met at United Nations Headquarters, New York, from 13 to 17 March 1989 and elected Mrs. Higgins as Chairman/Rapporteur. At the thirty-sixth session, the working group was composed of Mr. Dimitrijevic, Mr. Pocar and Mr. Prado Vallejo. It met at the United Nations Office at Geneva from 3 to 7 July 1989 and elected Mr. Dimitrijevic as its Chairman/Rapporteur.

12. The working group established under rule 62 was mandated to prepare concise lists of issues concerning second periodic reports scheduled for consideration at the Committee's thirty-fourth, thirty-fifth and thirty-sixth sessions, and to consider any draft general comments that might be put before it. Additionally, the working group that met before the thirty-fourth and thirty-fifth sessions was mandated to formulate recommendations relating to the Committee's future

methodology in considering third periodic reports. The group that met before the thirty-sixth session was requested to consider, pursuant to the recommendation of the chairmen of the human rights treaty bodies, the possibility of elaborating a consolidated text of the first part of the guidelines relating to the form and content of initial and periodic reports. At the thirty-fourth session, the working group was composed of Messrs. Ando, Mommersteeg, Movchan and Ndiaye. It met at the United Nations Office at Geneva from 17 to 21 October 1988 and elected Mr. Ndiaye as its Chairman/Rapporteur. At the thirty-fifth session, the working group was composed of Messrs. El Shafei, Lallah, Pocar and Serrano Caldera. It met at United Nations Headquarters from 13 to 17 March 1989 and elected Mr. El Shafei as its Chairman/Rapporteur. At the thirty-sixth session, the working group was composed of Messrs. Ando, Myullerson and Ndiaye. It met at the United Nations Office at Geneva from 3 to 7 July 1989 and elected Mr. Ndiaye as its Chairman/Rapporteur.

G. Other matters

Thirty-fourth session

13. The Under-Secretary-General for Human Rights informed the Committee of the report of the Secretary-General on the work of the Organization submitted to the General Assembly at its forty-third session ^{1/} and drew attention, in particular, to his statement reaffirming the great importance he attached to a strong human rights programme which could "make our task in other areas significantly easier". He also noted that, in his report to the General Assembly, the Secretary-General had once again stressed the need to strengthen continually the existing human rights machinery, particularly in the light of frequent and often large scale violations of fundamental human rights, which continued in various countries and regions of the world.

14. In connection with the commemoration of the fortieth anniversary of the adoption of the Universal Declaration of Human Rights during 1988, the Under-Secretary-General for Human Rights noted that the anniversary had not only provided an opportunity for taking stock of past accomplishments but had also added impetus to disseminating the human rights message. He paid special tribute in that regard to the many excellent commemorative activities undertaken by non-governmental organizations as well as by private groups, including representatives of the world of art and entertainment. The Under-Secretary-General for Human Rights also informed the Committee of several official commemorative observances that had been or were to be held during 1988, including a seminar held in April 1988 at Lomé, organized by the Centre for Human Rights in co-operation with the Government of Togo; the European Workshop on the Universal Declaration of Human Rights held at Milan in September 1988, organized jointly by the Centre and the University of Milan; and a training course on the administration of justice and human rights held in Moscow for Eastern European countries and organized by the Centre in co-operation with the United Nations Association of the Union of Soviet Socialist Republics.

15. The Under-Secretary-General for Human Rights informed the Committee of the outcome of the Global Consultation against Racism and Racial Discrimination, which, pursuant to General Assembly resolution 42/47 of 30 November 1987, had been held at Geneva at the beginning of October 1988 and attended by a broadly representative group drawn from all sectors of the international community and non-governmental

organizations, as well as by many human rights activists and experts, including Madame Danielle Mitterrand.

16. The Under-Secretary-General for Human Rights also informed the Committee of other significant developments of relevance to its work that had occurred since the Committee's thirty-third session, notably the actions taken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session. These included updating the report listing States that had proclaimed, extended or terminated a state of emergency since January 1985; forwarding to the Commission on Human Rights of the draft second optional protocol aimed at the abolition of the death penalty, together with a comparative analysis of the various views in favour of or against the idea of elaborating such a protocol; adoption of a draft body of principles and guarantees for the protection of mentally ill persons; and adoption of Sub-Commission resolution 1988/11 of 1 September 1988 relating to compensation for victims of gross violations of human rights. Additionally, the Committee was informed of the outcome of the thirty-sixth session of the Committee on the Elimination of Racial Discrimination, held in August 1988, as well as of the results of the meeting of persons chairing the various human rights treaty bodies, held at Geneva from 10 to 14 October 1988.

17. Regarding the recent relevant activities of the Centre for Human Rights, the Under-Secretary-General for Human Rights referred, in particular, to the issuance of a number of publications under the Centre's new publication programme and to seminars and training courses undertaken or planned during 1988 by the Centre's advisory services at Tunis, Guatemala City, San Remo, Italy, Manila and Geneva.

18. As part of the fortieth anniversary observances, the Committee decided to hold a round table during its 866th meeting and to invite members of diplomatic missions, representatives of non-governmental organizations, the media and local university staff and students to participate. Members of the Committee expressed satisfaction over the outcome of the round table, which had enabled the participants to become more familiar with the Committee's purposes and activities, and suggested that the experience should be repeated.

19. The Chairman expressed the Committee's appreciation to three members who had not stood for re-election - one of whom was an original member - for the dedication and competence with which they had discharged their functions and for the great contribution they had made to the success of the Committee's work. For their part, the departing members stated that it had been a pleasure and an honour to serve as members of the Committee, which was held in such high regard by the international community and by the public at large, and noted that the principle of avoiding political or ideological considerations had made it possible to secure the co-operation of many Governments with widely differing political, economic and social systems. They wished the Committee continuing success in its work.

Thirty-fifth session

20. The representative of the Secretary-General informed the Committee of the adoption by the General Assembly of resolution 43/115 of 8 December 1988, in which the Assembly had requested the Commission on Human Rights to consider at its forty-fifth session the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, in particular those identified as matters requiring urgent action. At that session, the Commission had taken decisions on several of those recommendations, including those relating to the preparation of

studies on possible long-term approaches to the supervision of existing and prospective bodies established under international human rights instruments, as well as on the possible computerization of the work of such supervisory bodies. The representative of the Secretary-General noted further that the General Assembly was to revert to the various questions addressed in the chairmen's report at its forty-fourth session, when it would consider a report submitted by the Secretary-General containing, inter alia, the views and comments of the various treaty bodies on the recommendations.

21. Reviewing other recent activities undertaken by the United Nations in the field of human rights, the representative of the Secretary-General informed the Committee of the General Assembly's far-reaching decision at its forty-third session (resolution 43/128 of 8 December 1988) to launch a World Public Information Campaign for Human Rights; the adoption by the Committee on Economic, Social and Cultural Rights at its third session of its rules of procedure as well as of its first general comment; the completion by the Commission on Human Rights, at its forty-fifth session, of its work on the draft convention on the rights of the child; as well as the adoption of a decision by the Commission to extend to four years the periodicity of reports submitted under the International Convention on the Suppression and Punishment of the Crime of Apartheid.

22. Regarding the Centre's activities and plans under its programme of advisory services and technical assistance, the representative of the Secretary-General informed the Committee of the Centre's intention to co-operate with several Governments in initiating projects designed, inter alia, to strengthen law faculties and to help States set up legal libraries, draw up legal instruments on human rights, publish official legal reviews and gather relevant data and reference materials. He noted that the Centre also planned to organize workshops and training courses during 1989 in Argentina, Colombia, Ecuador, the Gambia, Guinea and the Asia and Pacific region. The publications programme in the various official languages of the United Nations had also made progress and the compilation of international instruments on human rights was now available in Arabic, Chinese, English, French and Spanish.

Thirty-sixth session

23. At its 918th meeting, the Committee decided to amend rules 87 to 94 of its provisional rules of procedure relating to communications under the Optional Protocol to the Covenant (see annex IX to the present report). At the same meeting the Committee also decided to make its rules of procedure definitive, eliminating the term "provisional" from the title of those rules.

24. The Committee heard a proposal that it should from time to time devote one or more meetings to discussion of operational issues of concern to Committee members. It was suggested that it would be of great benefit if, for example, Committee members had the opportunity to exchange ideas on the Committee's role between periodic reports in respect of states of emergency; and on matters relating to the follow-up of views given in communications.

H. Publicity for the work of the Committee

25. The Chairman and members of the Bureau held press briefings during each of the Committee's sessions. The Committee noted with particular satisfaction that the press conference held at the thirty-fifth session, at Headquarters, was well attended by representatives of the major news organizations based in New York and provided a valuable opportunity for conveying information about the Committee's role and activities to the general public.

I. Future meetings of the Committee

26. At its thirty-fifth session, the Committee confirmed its calendar of meetings for 1990-1991, as follows: thirty-eighth session to be held at United Nations Headquarters from 19 March to 6 April 1990; thirty-ninth session at the United Nations Office at Geneva from 9 to 27 July 1990; fortieth session also at the United Nations Office at Geneva from 22 October to 9 November 1990; forty-first session at United Nations Headquarters from 25 March to 12 April 1991; forty-second session at the United Nations Office at Geneva from 8 to 26 July 1991 and forty-third session also at the United Nations Office at Geneva from 21 October to 8 November 1991. In each case, the Committee's working groups would meet during the week preceding the opening of the session.

27. In confirming its calendar of future meetings and the venues of those meetings, the Committee stressed the necessity of holding at least one of its sessions each year at the United Nations Headquarters. A number of considerations relating to the effective discharge of the Committee's mandate dictated that course, including, in particular, the possibility for the Committee to meet the representatives of the many States parties that have no permanent missions at Geneva in connection with the fulfilment of their reporting and other obligations under the Covenant; the necessity for contact at least once a year between the Committee and the members of permanent missions who are involved in the consideration by the General Assembly of the Committee's annual report; and the need to make the work of the Committee known to a wider audience. The Committee bore in mind the need for economy and, to this end, has revised its methods of work, both in the consideration of States reports and of communications under the Optional Protocol (see CCPR/C/SR.880).

J. Adoption of the report

28. At its 920th and 922nd meetings, held on 27 and 28 July 1989, the Committee considered the draft of its thirteenth annual report covering its activities at the thirty-fourth, thirty-fifth and thirty-sixth sessions, held in 1988 and 1989. The report, as amended in the course of the discussion, was unanimously adopted by the Committee.

III. REPORTS BY STATES PARTIES SUBMITTED UNDER
ARTICLE 40 OF THE COVENANT

B. Consideration of reports

48. During its thirty-fourth, thirty-fifth and thirty-sixth sessions, the Committee considered the initial reports of Bolivia, Cameroon, the Philippines and Togo, as well as the second periodic reports of Italy, Mauritius, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland (Dependent Territories) and Uruguay. The status of reports considered during the period under review and reports still pending consideration is indicated in annex V to the present report.

49. At its 800th meeting, held on 29 March 1989, the Committee adopted a methodology for considering third periodic reports (the first of which are to be considered in October/November 1989 at the Committee's thirty-seventh session). The Committee agreed that the method to be applied should be generally similar to that used for considering second periodic reports, 5/ the major objectives being to maintain and strengthen the dialogue between the Committee and the States parties and the promotion of effective implementation of human rights. The practice of preparing lists of issues in advance of the examination of such reports should be kept but such lists should be more concise and more precise (see annex VII to the present report).

50. The following sections relating to States parties are arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of reports at its thirty-fourth, thirty-fifth and thirty-sixth sessions. These sections are only summaries, based on the summary records of the meetings at which the reports were considered by the Committee. Fuller information is contained in the reports and additional information submitted by the States parties concerned 6/ and in the summary records referred to.

Mauritius

487. The Committee considered the second periodic report of Mauritius (CCPR/C/28/Add.12) at its 904th to 906th meetings, held on 17 and 18 July 1989 (CCPR/SR.904-906).

Self-determination

494. Regarding this question, members of the Committee asked what Mauritius's position was concerning the right to self-determination of the South African, Namibian and Palestinian peoples; whether Mauritius had taken measures to prevent public or private support for the apartheid régime of South Africa; what the current status of the Chagos Archipelago was under international law; and whether the population of the Archipelago had been asked its opinion about self-determination, including the possibility of being united with Mauritius.

495. Members of the Committee also wished to know the results of the diplomatic efforts undertaken to recover that territory, as well as future prospects or possible difficulties. They asked for more information concerning the inhabitants of the Chagos Archipelago who had been displaced in 1965, in particular their current social and political status and whether they still wished to return to the Archipelago.

496. In his reply, the representative of the State party said that his country, as a member of the Organization of African Unity and the United Nations, had supported all United Nations resolutions concerning the right to self-determination of the South African, Namibian and Palestinian peoples. That stand had been reaffirmed by the Prime Minister of Mauritius in his statement before the General Assembly on 12 October 1988, in which he had pronounced himself in favour of the restoration of all of the Palestinians' rights. Regarding measures taken to prevent any public or private support for the apartheid régime of South Africa, he stated that his delegation was happy to have the opportunity to clarify the situation in view of the concerted campaign regarding Mauritius' relations with South Africa. While it was true that certain private enterprises continued to have ties with South Africa, the existence of such ties had to be seen in the context of the strong administrative and economic links that had existed between South Africa and Mauritius during the British colonial era, the fact that South Africa was geographically the nearest country to Mauritius on the continent, and the continued existence of family connections between some of the inhabitants of the two countries. However, the Government had sought to reduce such relations with

South Africa, which were already limited, even further over the past several years and there had been reductions during that period in the level of imports, exports, investment and tourism.

497. The Chagos Archipelago, which had been separated from Mauritius in 1965, that is, before independence, had been combined with other territories to form a new colony, the British Indian Ocean Territories. At that time, all Mauritians in the Archipelago had been brought back to Mauritius, and in 1968, at the time of independence, the Mauritian citizenship of persons from the Chagos Archipelago had been retained under article 20.4 of the Constitution. Those who had been living in the Archipelago before separation were Mauritians and had always been considered as such.

498. Mauritius had never given up the idea of obtaining the restitution of the Chagos Archipelago and was making every effort to mobilize international public opinion to that end. The entire Mauritian community was working to obtain the return of the Chagos Archipelago to Mauritian territory and the former inhabitants of the islands were prepared to return there.



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Addendum

OVERSEAS TERRITORIES OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND*

[9 December 1999]

This report is issued without editing, in compliance with the wish expressed by the Human Rights Committee at its sixty-sixth session in July 1999.

GE.00-41329

I. Introduction

1. The present report contains, in its several annexes, the United Kingdom's latest periodic reports under the Covenant in respect of its Overseas Territories (as its dependent territories overseas are now styled) to which the Covenant has been extended. These reports are set out below as follows:

Annex A	Bermuda
Annex B	British Virgin Islands
Annex C	Cayman Islands
Annex D	Falkland Islands
Annex E	Gibraltar
Annex F	Montserrat
Annex G	Pitcairn
Annex H	St. Helena
Annex I	Turks and Caicos Islands

2. The most recent periodic reports submitted under the Covenant in respect of these Overseas Territories were the 3rd reports, which were examined by the Committee in April 1991. The United Kingdom Government very much regrets the delay that has occurred since then in the preparation and submission of the present reports but, in view of the time that has elapsed, hopes that it will be acceptable to the Committee for them to be submitted as the combined 4th/5th reports in respect of the Territories concerned.

II. General aspects of United Kingdom's policy towards Overseas Territories

3. As background to the individual reports which follow, the United Kingdom Government draws the Committee's attention to a significant evolution of its policy towards its Overseas Territories which has particular relevance to human rights. This has its origin in a thorough review of the relationship between the United Kingdom and its Overseas Territories that was instituted by the current Administration in the United Kingdom shortly after it took office in May 1997. In consequence of that review, a White Paper was laid before the United Kingdom Parliament in March 1999 by the Secretary of State for Foreign and Commonwealth Affairs, setting out the general approach which would henceforth be followed by the United Kingdom Government in relation to the Overseas Territories and describing in detail the particular policies and measures which the United Kingdom Government was pursuing, or intended to pursue, in accordance with that approach. Copies of that White Paper, which is entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories", are being transmitted to the Committee's Secretariat together with the present report. But the Committee's attention is drawn at this point to the following particular aspects of it which are of special relevance to the matters dealt with by the Covenant.

(a) Self-determination

The relationship between the United Kingdom and its Overseas Territories is now to be based on a new partnership. This partnership is to be promoted, in the United Kingdom itself, by new Departments in the Foreign and Commonwealth Office and in the Department for International Development, the two Ministries of the United Kingdom

Government that are principally concerned. These new Departments are vested with the primary responsibility for the affairs of the Overseas Territories and each of them is accountable to a Minister specifically designated for that purpose. The Overseas Territories, for their part, are being encouraged to examine their own governmental and other structures with a view to making the new partnership effective. In addition, there will in future be a structured dialogue between the Overseas Territories Governments and the United Kingdom Government, involving, *inter alia*, an annual Overseas Territories Council comprising the Chief Ministers or other representatives of the Overseas Territories Governments and the Ministers of the United Kingdom Government responsible for the Overseas Territories. Underpinning all this is the United Kingdom Government's recognition of, and its determination to respect in relation to each of its overseas Territories, the right of self-determination that is set forth in Article 1 of the Covenant. In accordance with that right, the White Paper makes clear that, as in the past, where there is a general desire on the part of the population of an Overseas Territory to proceed to full independence and that is a practical option, the United Kingdom Government will respect that desire and will not stand in the way of its fulfilment. But where the desire is to retain the present connection with the United Kingdom, that, too, will be respected and the United Kingdom Government, for its part, will continue to honour the commitments that are inherent in the connection.

(b) Self-determination

The White Paper announced the United Kingdom Government's intention to introduce legislation, as soon as parliamentary time allows, to confer full British citizenship on all British Dependent Territories citizens (as the inhabitants of the Overseas Territories generally now are). Full British citizenship will carry with it the right of abode in the United Kingdom and freedom of movement and residence elsewhere in the European Union and in the European Economic Area. But those persons who prefer to retain their British Dependent Territories citizenship will be able to do so. Moreover, the United Kingdom Government will not insist on reciprocity in respect of the right of abode: that is to say, any Overseas Territory that wishes to continue to impose immigration and residence restrictions on persons who do not "belong" to that Territory will be free to do so.

(c) Self-determination

As the White Paper makes clear in various contexts, the partnership between the United Kingdom and its Overseas Territories entails responsibilities on both sides. The United Kingdom has a commitment to defend the Overseas Territories, to encourage their sustainable development and the White Paper described in some detail what the United Kingdom Government's policies and measures are in that respect and to look after their interests internationally. In return, the United Kingdom Government expects from the Overseas Territories Governments the highest standards of probity, law and order, good government and observance of the United Kingdom's international commitments. In this context, while the United Kingdom Government is confident that human rights are generally respected and protected in all the Overseas Territories, it recognises that there is still a need for further measures to be taken, in certain respects, to ensure that the laws of the Overseas Territories conform fully with the relevant obligations of the United Kingdom under various human rights instruments and, more generally, with the broadly accepted norms in this field. In particular, the United Kingdom Government is concerned that all the Overseas Territories should adopt as most of them, indeed, already do substantially the same position as obtains in the United Kingdom itself in respect of capital punishment, judicial corporal punishment and the treatment as criminal offences of homosexual acts

between consenting adults in private. To this end, it has strongly urged **S** and will, if necessary, continue to urge **S** the Governments of those Overseas Territories whose laws may be open to criticism in any of these respects to introduce appropriate amending legislation at the earliest suitable opportunity. Failing that, as the White Paper makes clear, the United Kingdom Government may have to consider the possibility of itself legislating in this matter on behalf of those Overseas Territories.

Where, as regards the above issues, there are particular matters to bring to the Committee's notice in respect of individual Overseas Territories, these are more fully discussed in the respective reports for those Territories, as set out in the following Annexes.

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HUMAN RIGHTS COMMITTEE

Seventy-third session

SUMMARY RECORD OF THE 1962nd MEETING

Held at Palais Wilson, Geneva, on
Thursday, 18 October 2001, at 10
a.m.Chair: Mr. BHAGWATI

SUMMARY

REVIEW OF REPORTS SUBMITTED BY STATES PARTIES PURSUANT TO ARTICLE
40 OF THE COVENANT (*continued*)Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (*continued*)Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland
(Overseas Territories)

The meeting was called to order at 10.10 a.m.

REVIEW OF REPORTS SUBMITTED BY STATES PARTIES PURSUANT TO ARTICLE 40 OF THE COVENANT (agenda item 5) (*continued*)

Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (CCPR/C/UK/99/5; CCPR/C/73/L/UK) (*continued*); Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland (CCPR/C/UK/99/5; CCPR/C/73/L/UKOT)

1. *At the invitation of the Chair, the members of the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*

53. The CHAIR invited the members of the Committee to put their supplementary questions orally.

65. MR. SCHEININ

66. **Mr. Scheinin** wondered about the situation of the British Indian Ocean Territory, which was not covered in the report, and whose population had been displaced in the 1960s as part of the decolonization process. In a recent decision, a court of the United Kingdom had recognized the right of return of the population of the territory. It could be deduced, therefore, that there was a population whose rights protected under the Covenant, in particular article 12, had been compromised by the annexation of the territory in question to the United Kingdom. He asked whether the existence of that population had been recognized officially and what measures the authorities had taken to ensure that the rights of those people enshrined in the Covenant, including those set out in article 12, especially the right of return, were protected.

72. The CHAIR said that the review of the fifth periodic report of the United Kingdom would be continued at a future meeting.

The meeting rose at 1 p.m.



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HUMAN RIGHTS COMMITTEE

Seventy-third session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1963rd MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 October 2001, at 3 p.m.

Chairperson: Mr. BHAGWATI

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1963/Add.1.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 5) (continued)

Fifth periodic report of the United Kingdom of Great Britain and Northern Ireland
(Overseas Territories) (continued) (CCPR/C/UKOT/99/5)

1. At the invitation of the Chairperson, the members of the United Kingdom delegation resumed their places at the Committee table.

7. Mr. STEEL (United Kingdom)

12. In reply to Mr. Scheinin's question on the situation of former inhabitants of the British Indian Ocean Territory, he said that territory, which was now known as the Chagos Islands, had not in fact been annexed by the United Kingdom but had been passed to it in 1814 or 1815, together with Mauritius, following the Napoleonic wars. After that time it had continued as a dependency of Mauritius. In 1965, it had been agreed that the islands should be set aside for use for defence purposes by the United States and United Kingdom, and to facilitate such use the territory had been withdrawn from Mauritius and made a separate colony. At that time there had

been a small civilian population of some 2,000 persons, employed on copra plantations belonging to companies in Mauritius and Seychelles. They were entirely dependent on those companies for food, accommodation, medical care and education. They were descended from an original population imported into the territory by Mauritian plantation owners, initially as slave labour and subsequently as contract labour.

13. By 1965 the copra industry had been in decline, and it was clear that it would be difficult for it to continue viably while the United States was operating its defence facility on Diego Garcia. The plantations had gradually been run down, and as a result the civilian population had left the islands, in some cases for Seychelles but in most cases for Mauritius, where provision had been made for their resettlement. They had acquired citizenship of those countries on their accession to independence, but continued to be British nationals, and after 1981 citizens of the British dependent territories.

14. After the departures that had taken place between 1969 and 1973, there was no longer a civilian community on the islands, and a law had been enacted making it unlawful to enter the territory without a permit. That law had recently been challenged in the High Court in London, which had ruled that the law was invalid in that it denied access to people belonging to the territory. The United Kingdom had not appealed against that ruling, but had amended the law to ensure that any island-dweller had the right to return to any part of the territory except Diego Garcia. However, the right to return was not the same as the right to resettlement, since currently there were no houses, roads, schools, hospitals, means of access or obvious means of subsistence. The Government had commissioned a feasibility study to advise on whether resettlement was practicable, and if so how it could be made viable. The first phase of that study had been completed. The Covenant did not for the moment apply to the territory, since the population had departed by 1973 and the United Kingdom had not ratified the Covenant until 1976. If and when the population returned, that question would have to be addressed.

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HUMAN RIGHTS COMMITTEE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding Observations of the Human Rights Committee

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND OVERSEAS TERRITORIES OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND**

Part I

1. The Committee considered the fifth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland (CCPR/C/UK/99/5) and the fourth and fifth combined report on the Overseas Territories of the United Kingdom and Northern Ireland (CCPR/C/UKOT/5) at its 1960th to 1963rd meetings, held on 17 and 18 October 2001. The Committee adopted the following concluding observations at its 1976th and 1977th meetings, held on 29 October 2001.

Introduction

2. The Committee has examined the reports of the United Kingdom of Great Britain and Northern Ireland, and on the Overseas Territories of the United Kingdom of Great Britain and Northern Ireland. The Committee appreciates the extensive supplementary report covering events since the submission of the primary report and the responses, provided in advance, to the Committee's written questions. The Committee regrets that the State party's supplementary report was submitted at a late stage and was available in one working language only. In

particular, the Committee commends the inclusion in the State party's responses of a comprehensive account of the legal and practical actions taken to follow up on each of the Committee's concluding observations on the consideration of the previous report. In respect of the overseas territories, the Committee regrets that it did not receive the entirety of the documentation referred to in the corresponding report, which prevented Committee members from fully examining the report.

Part III

OVERSEAS TERRITORIES OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

22. The Committee welcomes the abolition of the death penalty for all offences in all of the overseas territories; it notes its retention in the Turks and Caicos Islands for piracy and treason.

23. The Committee is deeply concerned that the protection of Covenant rights in the overseas territories is weaker and more irregular than in the metropolitan area. The Committee regrets that the provisions of the Human Rights Act 1998, which significantly improve the protection of many rights contained in the Covenant, do not extend to the overseas territories (except, to some extent, Pitcairn and St Helena). The Committee regrets that the Covenant rights are not incorporated in the legislation of the territories, and that its provisions cannot be invoked directly

before or applied by the judiciary. The consequences are especially regrettable in those overseas territories (British Virgin Islands, Cayman Islands, St. Helena and Pitcairn) whose Constitutions do not contain chapters on fundamental rights. In this regard, the Committee would welcome answers to the questions not dealt with by the delegation.

The State party should give priority to incorporating Covenant rights in the respective domestic legal orders of the overseas territories.

24. The Committee is concerned at the absence throughout the overseas territories of appropriate training on the Covenant for public officials, a situation recognized by the State party.

The appropriate authorities should establish programmes of training and education for their public officials, aimed at inculcating a human rights culture in these persons who exercise governmental powers in the various overseas territories.

Positive aspects, principal subjects of concern and recommendations

British Indian Ocean Territory

38. Although this territory was not included in the State party's report (and the State party apparently considers that, owing to an absence of population, the Covenant does not apply to this territory), the Committee takes note of the State party's acceptance that its prohibition of the return of Ilois who had left or been removed from the territory was unlawful.

The State party should, to the extent still possible, seek to make exercise of the Ilois' right to return to their territory practicable. It should consider compensation for the denial of this right over an extended period. It should include the territory in its next periodic report.



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**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**

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.



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HUMAN RIGHTS COMMITTEE
Seventy-seventh session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding Observations of the Human Rights Committee

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND OVERSEAS TERRITORIES OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND**

Addendum

**Comments by the Government of the United Kingdom of Great Britain and
Northern Ireland on the reports of the United Kingdom (CCPR/CO/73/UK)
and the Overseas Territories (CCPR/CO/73/UKOT)**

[7 November 2002]

II. INITIAL RESPONSE TO THE CONCLUDING OBSERVATIONS (CCPR/CO/UKOT/5) ON THE FOURTH/FIFTH REPORT IN RESPECT OF THE OVERSEAS TERRITORIES (CCPR/C/UKOT/5)

A. Introduction

32. In paragraph 40 of its concluding observations (adopted on 29 October 2001) on the United Kingdom's fourth and fifth combined report, the Human Rights Committee asked the United Kingdom to provide, within 12 months, information on certain matters which were identified in that paragraph. So far as concerns the United Kingdom's Overseas Territories - to which the present response to the Committee's request solely relates - the matters so identified are those referred to in paragraph 23 of the concluding observations. The information thus requested by the Committee in respect of the Overseas Territories is set out below. At the same time, the United Kingdom takes this opportunity to provide information also on two other points which were raised by the Committee in relation to the Overseas Territories and which can appropriately be dealt with now rather than being left to be covered in the sixth periodic report. Information on the remainder of the points raised by the Committee will, as the Committee has requested, be included in the United Kingdom's sixth periodic report.

33. The matters referred to in paragraph 23 of the concluding observations, as the United Kingdom understands that paragraph, are, first, the question whether the provisions of the Covenant should be incorporated into the domestic legal order of the various Overseas Territories so that they can be directly invoked before, and applied (as such) by, the courts of the Territories; and, second, "the questions not dealt with by the delegation". The United Kingdom understands this latter formula to refer to the questions (or some of them) that were posed, in the course of the oral examination of the report, by Mr. Yrigoyen. The Committee will recall that, for the reasons referred to more fully below, the delegation suggested that it would be more helpful if its reply to some of Mr. Yrigoyen's questions were made in writing and at a later date, and that the Chairman agreed that that should be the procedure to be followed. The United Kingdom understands the Committee's request in paragraph 40, read together with paragraph 23, to reflect that exchange.

B. Incorporation

34. In respect of the incorporation of the Covenant into the domestic law of the Overseas Territories, the position of the United Kingdom Government is as follows. In the absence of a requirement to that effect in the instrument concerned - and no such requirement is imposed by the Covenant - it is not the general practice of the United Kingdom Government to give effect to treaties by incorporating them, verbatim, in domestic legislation so that their provisions operate as if they were the provisions of a domestic statute. Though there have been some cases, in limited and special circumstances (for example, in relation to the Conventions on Diplomatic and Consular Relations), where it has proved convenient to do that, the general practice of the United Kingdom Government, both for the metropolitan territory and for the Overseas Territories, has been simply to introduce such specific new legislation on particular topics, and to make such changes in existing legislation and in existing administrative practice as appears necessary to ensure that the relevant treaty obligations are indeed fully implemented. This new

legislation, or these amendments to existing legislation, can of course be framed in terms that are consonant with local legislative drafting practice, and that are directly applicable to local institutions and to local legal structures and practices, in a way that the direct incorporation of the relevant treaty into the domestic legal order would not usually permit. This mode of proceeding, it is considered, generally enhances the clarity and certainty of the relevant domestic law and thus facilitates the task of the local courts in ensuring that the rights and obligations flowing from the underlying treaties are properly enforced.

35. The United Kingdom's Human Rights Act 1998, which did largely effect the incorporation of the European Convention on Human Rights into the domestic law of the United Kingdom's metropolitan territory, was undoubtedly an important departure from this general practice. The Committee is of course correct in noting that the provisions of that Act do not apply to the Overseas Territories (except, to a limited extent, St. Helena and Pitcairn). However, the Committee is, with great respect, not correct in believing (see paragraph 23 of the concluding observations) that "the protection of Covenant rights in the Overseas Territories is weaker and more irregular than in the metropolitan area". In this respect, the Committee appears not to have given adequate weight to the Bills of Rights (though that is not their formal designation) which now form part of the Constitutions of most of the Overseas Territories: see the United Kingdom's written response to issue No. 1 in the Committee's list of issues arising on the fourth/fifth report.

D. Other points

2. British Indian Overseas Territory (BIOT)

85. With respect, the Committee's comment and recommendation in paragraph 38 of the concluding observations seem to rest on a misunderstanding of the explanation which the delegation gave in reply to a factual inquiry by Mr. Scheinin. The present response therefore seeks to clarify the position.

86. The delegation did indeed confirm to Mr. Scheinin that the High Court in England had recently held that an Ordinance of BIOT (the Immigration Ordinance 1971) which had the effect of excluding the Ilois from any part of the Territory unless in possession of a permit to enter was, to that extent, unlawful. The delegation also confirmed that the United Kingdom Government accepted that decision. The 1971 Ordinance had therefore already been replaced by a new Ordinance which recognized that the Ilois had the right of unrestricted entry to any part of the Territory except (for defence and security reasons) Diego Garcia - for entry to which a permit was still required.

87. It is also correct that the delegation explained that the fact that there was no resident population in BIOT meant, in the opinion of the United Kingdom, that the Covenant could have no practical relevance to the Territory. The delegation went on to note that that position might change in the future if, in the light of certain feasibility studies which the United Kingdom had commissioned, it was found that resettlement was viable and if a settled population was then again established. But, it was made clear, that was not the situation which currently fell to be considered.

88. However, it is *not* correct that the delegation gave the absence of a settled population as the reason why the Covenant does not apply to BIOT. On the contrary, when explaining the facts of the situation, the delegation expressly drew the Committee's attention to the crucial fact that when, in 1976, the United Kingdom ratified the Covenant in respect of itself and certain of its Overseas Territories, it did *not* ratify it in respect of BIOT. It is for this reason, and irrespective of - but of course in full consistency with - the practical considerations which the delegation explained, and which have again been explained above, that the Covenant does not apply, and never has applied, to BIOT. Accordingly, and while taking respectful note of the Committee's suggestions in paragraph 38 of the concluding observations, the United Kingdom must again make clear that it is not bound in respect of BIOT by any of the obligations which arise from the Covenant, including any obligation to report to the Committee in respect of that Territory.



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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Fourth periodic report

MAURITIUS*

[27 May 2004]

* The report is issued unedited, in compliance with the wish expressed by the Human Rights Committee at its sixty-sixth session in July 1999.

1. The Human Rights Committee considered the third periodic report of Mauritius at its 1476th and 1478th meetings on 19 and 20 March 1996. The present report, which is the fourth periodic report of Mauritius, proposes to address the progress made since the last report in the enjoyment of the rights recognized by the Covenant on Civil and Political Rights.

Article 1

7. Over the past thirty years since independence in 1968, the Government of Mauritius has continuously raised the issue of the Chagos Archipelago in the international for a of the United Nations General Assembly, the Non-Aligned movement (New Delhi Summit 1983) and the African Union (Resolution AHG/Res 99 (XVII)) and Resolution AHG/Dec 159 (XXXVI) and in bilateral talks with the British Government, and asked for an early and unconditional return of the Chagos Archipelago, including Diego Garcia. Mauritius has always been unreservedly supported by the international community on its position concerning the Chagos Archipelago.

8. It will be recalled that in 1965, the then colonial power enacted the so-called British Indian Ocean Territory Order 1965 (S.I. No. 1 of 1965) which purportedly excised the Chagos Archipelago from the Colony of Mauritius. It has always been the position of Mauritius that the unlawful excision of the Chagos Archipelago which formed part of its territory was made in breach of the United Nations Charter as applied and interpreted in accordance with Resolution 1514 (XIV) and in breach of the principle of self-determination under international law.

9. In the mid 1970s a member of the Chagossian Community in Mauritius started legal proceedings against the British Government in the English Courts, claiming amongst other things that he had been wrongfully removed from the islands. Under an agreement reached in 1982 the legal proceedings were withdrawn and the UK made a payment of 4 million pounds for the benefit of the Chagossian community in Mauritius.

10. In 1998 another member of the Chagossian community instituted judicial review proceedings challenging the validity of BIOT's Immigration Ordinance 1971 which prohibited the entry of any person into any part of the Territory unless he obtained a permit to do so. The judgment in November 2000 held that the 1971 Ordinance was indeed invalid and it was replaced by a new Ordinance which allows the Chagossians to return and reside in any part of the Territory except (for defence reasons) Diego Garcia.

11. No Chagossians have returned to the islands to live since the new Ordinance was enacted. The islands other than Diego Garcia are uninhabited and have no facilities on them to support a settled population. There are a few disintegrated remains of buildings from the copra plantation days, but these are unusable. There is no clean water supply, no power and no transport.

12. In February 2002, the Chagos Refugees Group, a Mauritius-based group of Chagos Islanders, applied to the UK Courts for further compensation and assisted resettlement on all the islands including Diego Garcia. The court case started in October 2002 and in October 2003 the Court quite categorically found in favour of the UK Government on every one of the claims that was brought against it. The claimants then sought leave to appeal on some of the issues.

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Eighty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

MAURITIUS

1. The Human Rights Committee considered the fourth periodic report of Mauritius (CCPR/C/MUS/2004/4) at its 2261st and 2262nd meetings (CCPR/C/SR.2261 and 2262), held on 17 and 18 March 2005, and adopted the following concluding observations at its 2278th meeting (CCPR/C/SR.2278), held on 31 March 2005.

A. Introduction

2. The Committee welcomes the renewal of the dialogue with the State party nine years after the consideration of the previous report. It notes that the report submitted by the State party contains useful information on domestic legislation and on developments in certain legal and institutional areas since the consideration of the third periodic report. It welcomes the dialogue with the high-level delegation and notes with appreciation the oral and written replies to the Committee's list of issues.

C. Principal subjects of concern and recommendations

5. The Committee takes note of the continuing dispute between the State party and the United Kingdom Government with respect to the legal status of the Chagos Archipelago, whose population was removed to the main island of Mauritius and other places after 1965 (Covenant, art. 1).

The State party should make every effort to enable the population concerned who were removed from these territories to fully enjoy their rights under the Covenant.



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Human Rights Committee Eighty-third session

Summary record of the 2262nd meeting

Held at Headquarters, New York, on Friday, 18 March 2005, at 10 a.m.

Chairperson: Ms. Chanet

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Consideration of reports submitted by States parties under article 40 of the Covenant and of country situations (*continued*)

Fourth periodic report of Mauritius (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

Any corrections to the record of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

05-27564 (E)

* 0527564 *

The meeting was called to order at 10.15 a.m.

**Consideration of reports submitted by States parties
under article 40 of the Covenant and of country
situations** *(continued)*

Fourth periodic report of Mauritius (continued)
(CCPR/C/MUS/2004/4)

1. *At the invitation of the Chairperson, the
delegation of Mauritius took places at the Committee
table.*

11. **Mr. Boolell** (Mauritius), referring to the part of his country's report on the Chagos Archipelago, emphasized the priority given by Mauritius to the bilateral approach in its efforts to restore its sovereignty. He regretted that the United Kingdom had continued to act unilaterally and had not responded to his country's call for dialogue. His Government was continuing to explore all avenues to reach a settlement, bearing in mind particularly the tragic human consequences of the forcible expulsion of the inhabitants of Chagos and the continuing need to arrive at an acceptable solution to the problem.

47. **Mr. Leung Shing** (Mauritius) said that the Prevention of Terrorism Act might not be ideal, but it was the most reasonable approach to balancing the protection of national interests and the safeguarding of citizens' fundamental rights.

48. The Chagos Archipelago had been illegally detached from the territory of Mauritius, as described in paragraphs 7 to 13 of the report. His Government had kept the international community regularly informed of the plight of the inhabitants who had been forcibly displaced. Mauritius was determined to pursue the issue of the restoration of sovereignty through all legal and diplomatic channels. Military action was unrealistic for so small a country as Mauritius.

The meeting rose at 1.15 p.m.

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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT**

Sixth periodic report

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

[1 November 2006]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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List of abbreviations

BME	Black and Minority Ethnic
CDs	Crown Dependencies (comprising the Isle of Man, the Bailiwick of Jersey, the Bailiwick of Guernsey and its dependencies)
CEHR	Commission for Equality and Human Rights
CRE	Commission for Racial Equality
DRC	Disability Rights Commission
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights)
ECtHR	European Court of Human Rights
EOC	Equal Opportunities Commission
HRA	Human Rights Act 1998
ICCPR	International Covenant on Civil and Political Rights
IPCC	Independent Police Complaints Commission
OTs	British Overseas Territories covered by the ICCPR (comprising Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and its dependencies (Ascension Island and Tristan da Cunha), and the Turks and Caicos Islands).
UK	United Kingdom (comprising England, Wales, Scotland and Northern Ireland)

Foreword

1. As already indicated in the United Kingdom of Great Britain and Northern Ireland's interim report of 7 November 2002,¹ the international and domestic context in which the United Kingdom has promoted human rights has significantly changed as a result of the rising number of terrorist attacks in the world, such as in the United States of America on 11 September 2001, Bali on 12 October 2002, Istanbul on 20 November 2003, Madrid on 11 March 2004 and London on 7 July 2005.
2. The response of the Government to the rising terrorist threat has been based on the principle that acts of terrorism are crimes and, as such, must be vigorously prosecuted by law. Therefore, domestic legislation must be adapted to respond to this changing threat but must also be balanced with the respect for human rights. The United Kingdom's long experience in counter-terrorism also teaches that respect for human rights is vital for long-term success in the fight against terrorism. As stated in article 4 of the International Covenant on Civil and Political Rights (ICCPR), some rights are absolute and cannot be derogated from, or restricted, in any circumstances. However, in maintaining human rights standards, States also have the flexibility to restrict some rights in specific circumstances if such restrictions are lawful and proportionate.
3. The structure of this sixth periodic report reflects the current United Nations reporting guidance on the ICCPR,² in particular:
 - The core document has been updated to reflect the most recent statistics and constitutional changes;
 - The report covers the United Kingdom, the Overseas Territories (OTs) and the Crown Dependencies (CDs). The responses from the OTs³ and the CDs are included in the relevant sections of the report. As requested by the Committee, the original reports

¹ See CCPR/CO/73/UK/Add.2; CCPR/CO/73/UKOT/Add.2 of 4 December 2002.

² Office of the High Commissioner for Human Rights et al., *Manual on human rights reporting under six major international human rights instruments*, Geneva, 1997 (http://www.unhchr.ch/pdf/manual_hrr.pdf). Office of the High Commissioner for Human Rights, *Compilation of guidelines on the form and content of reports submitted by States Parties to the international human rights treaties*, HRI/GEN/2/Rev.3, 8 May 2006 ([http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/975dd3fb10e75b83c12571850050edda/\\$FILE/G0641857.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/975dd3fb10e75b83c12571850050edda/$FILE/G0641857.pdf))

³ British Virgin Islands Government, *Contribution to sixth ICCPR report*, 5 September 2006. Cayman Islands, *Report of the Cayman Islands for the Sixth Periodic Report*, 7 September 2006. Pitcairn, Henderson, Ducie and Oeno Islands, *Suggested Amendments for sixth report*, 11 September 2006. Gibraltar, *Updates to the Sixth Periodic Report*, 14 September 2006. Montserrat, *Comments to be included in the CCPR Report*, 21 September 2006. Falkland Islands, *Updating Report 2006 for the Falkland Islands on the International Covenant on Civil and Political Rights*, 6 October 2006. Turks and Caicos Islands, *Comments on the UN Convention on Civil and Political Rights*, 20 October 2006.

from the CDs are also attached to this report.⁴ The Committee should note that the inclusion of the reports from the OTs and the CDs into this sixth periodic report does not imply any change in the constitutional relationship between the United Kingdom and the CDs, and the United Kingdom and the OTs.

⁴ APPENDIX A (Bailiwick of Jersey, *International Covenant on Civil and Political Rights - Sixth periodic report of the States of Jersey*, 7 September 2006, ref. 855(4)), APPENDIX B (Bailiwick of Guernsey, *Sixth Periodic Report by the Bailiwick of Guernsey pursuant to Article 40 of the International Covenant on Civil and Political Rights*, 13 September 2006, ref. Intl/H.3), APPENDIX C (The Isle of Man, *Sixth Report of the Isle of Man Government under Article 40(1)(b) of the International Covenant on Civil and Political Rights*, 5 October 2006).

I. GENERAL INFORMATION

Table 2
General information and statistics on British Overseas Territories (OTs)²³

Population	<ul style="list-style-type: none"> • 1,000 (Ascension Island – in 2005). • 64,500 (Bermuda – in 2003). • 27,000 (British Virgin Islands – in 2005). • 54,465 (Cayman Islands – in 2005). • 2,913 (Falkland Islands – in 2001). • 28,605 (Gibraltar – in 2003). • 4,483 (Montserrat – in 2006). • 47 (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005). • 4,000 (Saint Helena – in 2005). • 275 (Tristan de Cunha – in 2005). • 30,602 (Turks and Caicos Islands – in 2005).
Number of men per 100 women	<ul style="list-style-type: none"> • 99 (British Virgin Islands – in 2005). • 101 (Cayman Islands – in 2005). • 121 Falkland Islands – in 2001). • 100 (Gibraltar – in 2001). • 113 (Montserrat – in 2004). • 104 (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005). • 89 (Tristan de Cunha – in 2005). • 99 (Turks and Caicos Islands – in 2005).
Ethnic groups	<ul style="list-style-type: none"> • Descendants from the mutineers from the HMS Bounty and their Tahitian companions (Pitcairn, Henderson, Ducie and Oeno Islands).

²³ *Foreign and Commonwealth Office Country Profiles 2006*, available on-line at <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1013618138315>. Overseas Territories Department, Foreign and Commonwealth Office. Statistics Department, Montserrat.

Table 2 (continued)

Percentage of population under 15	<ul style="list-style-type: none"> • 23.7 per cent (British Virgin Islands – in 2005). • 16.6 per cent (Cayman Islands – in 2005). • 15 per cent (Falkland Islands – 2001). • 19.3 per cent (Montserrat – in 2004). • 13 per cent (Tristan de Cunha – in 2005). • 15.5 per cent (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005). • 31.9 per cent (Turks and Caicos Islands – in 2005).
Percentage of population over 65	<ul style="list-style-type: none"> • 5.4 per cent (British Virgin Islands – in 2005). • 5.8 per cent (Cayman Islands – in 2005). • 8.3 per cent (Falkland Islands – 2001). • 22.6 per cent (Montserrat – in 2004). • 24 per cent (Tristan de Cunha – in 2005). • 20 per cent (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005). • 3.7 per cent (Turks and Caicos Islands – in 2005).
Percentage of population in urban areas	<ul style="list-style-type: none"> • 62 per cent (British Virgin Islands – in 2005). • 48.2 per cent (Cayman Islands – in 2006). • 68.2 per cent (Falkland Islands – 2001). • 24 per cent (Gibraltar – in 2001).
Religion	<ul style="list-style-type: none"> • Christian (Ascension Island). • Christian – mainly Anglican and African Methodist Episcopalian (Bermuda). • Christian (British Virgin Islands). • Christian – majority (Cayman Islands). • Christian – Catholic, Anglican and other Christian churches (Falkland Islands). • Catholic, Protestant, Islamic, Hindu, Judaic (Gibraltar). • Christian (Montserrat). • Seventh Day Adventist (Pitcairn, Henderson, Ducie and Oeno Islands). • Christian, Bahai (Saint Helena). • Christian (Tristan de Cunha). • Christian (Turks and Caicos Islands).

Table 2 (continued)

<p>GDP²⁴</p>	<ul style="list-style-type: none"> • £482 million (British Virgin Islands – in 2005). • £2.3 billion (Bermuda – in 2003). • £1.1 billion ((Cayman Islands – in 2005). • £70 million (Falkland Islands – in 2001). • £470 million (Gibraltar – in 2001-02). • £17.7 million (Montserrat – in 2004). • £5.6 million (Saint Helena – in 2000-01). • £239 million (Turks and Caicos Islands – in 2005 (estimate)).
<p>GDP per head²⁵</p>	<ul style="list-style-type: none"> • £18,710 (British Virgin Islands – in 2005). • £35,719 (Bermuda – in 2003). • £21,468 (British Virgin Islands – in 2003). • £23,601 (Cayman Islands – in 2005). • £28,100 (Falkland Islands – in 2001). • £16,608 (Gibraltar – in 2001-02). • £3,779 (Montserrat – in 2004). • £1,273 (Saint Helena – in 2000-01). • £1,667 (Tristan de Cunha – in 2005). • £7,811 (Turks and Caicos Islands – in 2005).
<p>Inflation</p>	<ul style="list-style-type: none"> • 2 per cent (British Virgin Islands – in 2005). • 3 per cent (Bermuda – in April 2005). • 1 per cent (British Virgin Islands – in 2003). • 7 per cent (Cayman Islands – in 2005). • 4.3 per cent (Falkland Islands – in 2005). • 2.9 per cent (Gibraltar – in 2005-06). • 4 per cent (Montserrat – in 2004). • 3.7 per cent (Turks and Caicos Islands – in 2005).

²⁴ Expressed in GBP £.

²⁵ Expressed in GBP £.

Table 2 (continued)

Government deficit/surplus ²⁶	<ul style="list-style-type: none"> • -£2.9 million (British Virgin Islands – in 2005). • £1 million (Ascension Island – in 2003-04). • £52.8 million (Cayman Islands – in 2005). • -£4.7 million (Falkland Islands – 2004-05). • £20 million (Gibraltar – in 2006²⁷). • -£10.6 million (Montserrat – in 2004). • £150,000 (Tristan de Cunha – in 2005). • -£313,000 (Turks and Caicos Islands – in 2005).
Government debt ²⁸	<ul style="list-style-type: none"> • £70.1 million (British Virgin Islands – in 2005). • £3.3 million (Ascension Island – in 2003-04). • £102.2 million (Cayman Islands – in 2005). • £525,000 (Falkland Islands – 2005). • £93 million (Gibraltar – in 2005). • £2 million (Montserrat – in 2004). • £20 million (Turks and Caicos Islands – in 2005).
Employment rate	<ul style="list-style-type: none"> • 96.9 per cent (British Virgin Islands – in 2005). • 96.5 per cent (Cayman Islands – in 2005). • 80 per cent²⁹ (Falkland Islands – 2001). • 87 per cent (Montserrat – in 2001). • 100 per cent (Pitcairn, Henderson, Ducie and Oeno Islands – in 2005). • 100 per cent (Tristan de Cunha – in 2005). • 92 per cent (Turks and Caicos Islands – in 2005). • 87.3 per cent (Saint Helena – in 2001-02).

²⁶ Expressed in GBP £.

²⁷ Estimate.

²⁸ Expressed in GBP £.

²⁹ Population aged 15 or over and employed full time.

Table 2 (continued)

<p>Languages</p>	<ul style="list-style-type: none"> • English (Ascension Island). • English and Portuguese (Bermuda). • English (British Indian Ocean Territory). • English (British Virgin Islands). • English (Cayman Islands). • English (Gibraltar). • English (Montserrat). • English and Pitkern (Pitcairn, Henderson, Ducie and Oeno Islands). • English (Saint Helena). • English (Tristan de Cunha). • English, Creole (Turks and Caicos Islands).
<p>Life expectancy</p>	<ul style="list-style-type: none"> • 76.4 – M; 83 - F (British Virgin Islands – in 2005). • 78.5 – M; 83.3 – F (Gibraltar – in 2001). • 76 – M; 81 – F (Montserrat – in 2004). • 80 years (Tristan de Cunha – in 2005). • 75 – M; 76.1 F (Turks and Caicos Islands – in 2001).
<p>Infant mortality - number of deaths of children aged under 1 year per 1,000 live births</p>	<ul style="list-style-type: none"> • 0 (British Virgin Islands – in 2005). • 4 (Falkland Islands – 2000-05). • 0 (Gibraltar – in 2004-05). • 0 (Montserrat – in 2004). • 0 (Tristan de Cunha – in 2005). • 3.1 (Turks and Caicos Islands – in 2005).

B. General political structure

12. The OTs also retain a special constitutional status. The OTs are: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and its dependencies (Ascension Island and Tristan da Cunha), South Georgia and South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus, and the Turks and Caicos Islands. However, the ICCPR does not extend to Anguilla, the British Antarctic Territory, the British Indian Ocean Territory, South Georgia and South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus. OTs have a considerable measure of devolved government. The Governor, the personal representative of the monarch, retains direct responsibility for all matters not specifically allocated to the local government (particularly defence and external affairs).

³³ The UK disagrees with the view in Appendix B (Bailiwick of Guernsey, *Sixth Periodic Report by the Bailiwick of Guernsey pursuant to Article 40 of the International Covenant on Civil and Political Rights*, 13 September 2006, ref. Intl/H.3) that the power to legislate is little more than theoretical.



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Ninety-third session
Geneva, 7-25 July 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. The Committee considered the sixth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland (CCPR/C/GBR/6) at its 2541st, 2542nd^d and 2543rd^d meetings, held on 7 and 8 July 2008 (CCPR/C/SR.2541, 2542 and 2543). The Committee adopted the following concluding observations at its 2558th and 2559th meetings, held on 18 July 2008 (CCPR/C/SR.2558 and 2559).

22. The Committee regrets that, despite its previous recommendation, the State party has not included the British Indian Ocean Territory in its periodic report because it claims that, owing to an absence of population, the Covenant does not apply to this territory. It takes note of the recent decision of the Court of Appeal in *Regina (Bancoult) v. Secretary of State for Foreign and Commonwealth Affairs (No 2)* (2007) indicating that the Chagos islanders who were unlawfully removed from the British Indian Ocean Territory should be able to exercise their right to return to the outer islands of their territory. (art. 12)

The State party should ensure that the Chagos islanders can exercise their right to return to their territory and should indicate what measures have been taken in this regard. It should consider compensation for the denial of this right over an extended period. It should also include the Territory in its next periodic report.



International Covenant on Civil and Political Rights

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HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE 2541st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 7 July 2008, at 3 p.m.

Chairperson: Mr. RIVAS POSADA

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 6)

Sixth periodic report of the United Kingdom of Great Britain and
Northern Ireland

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6)

Sixth periodic report of the United Kingdom of Great Britain and Northern Ireland
(CCPR/C/GBR/6; CCPR/C/GBR/Q/6, CCPR/C/GBR/Q/6/Add.1)

1. *At the invitation of the Chairperson, Ms. Collins-Rice, Mr. Kissane, Mr. Preston, Ms. Hardy, Mr. Finch, Ms. Vass, Mr. Nye, Mr. Bramley, Ms. Pettifer, Mr. Lynch, Ms. Moore, Mr. Williams, Ms. Akiwumi, Mr. Barrett, Mr. McLean, Ms. Elliot, Mr. Daw, Ms. Revell, Ms. Dickson, Ms. Cameron, Ms. Upton, Ms. Ashby and Mr. Burton (United Kingdom of Great Britain and Northern Ireland) took places at the Committee table.*

37. The CHAIRPERSON thanked the delegation for its replies and invited Committee members to ask any additional questions they might have.

44. Mr. AMOR

47. In its concluding observations following the consideration of the fifth periodic report of the United Kingdom (CCPR/CO/73/UK CCPR/CO/73/UKOT), the Committee had formulated a recommendation concerning the British Indian Ocean Territory. The population of what constituted the Chagos Archipelago had been driven from the territory where it had been living. In its concluding observations, the Committee had requested the State party, to the extent possible, to seek to make the exercise of the Ilois' right of return to their territory practicable. He would like to know what action had been taken in that regard and what the situation and status of the archipelago's former inhabitants were. He recalled that in comments on the Committee's concluding observations (CCPR/CO/73/UK CCPR/CO/73/UKOT/Add.1)

the Government of Mauritius had mentioned a letter addressed to it by the British authorities on 1 July 1992 in which they had given an undertaking to cede Chagos back to Mauritius once its occupation was no longer needed for the defence purposes of the United Kingdom. He would like some clarification regarding that point and would like to know the legal basis of the position of the British authorities on the status of the Chagos Archipelago, the logic of which was not clearly evident to him.

73. The CHAIRPERSON thanked the delegation and the members of the Committee and invited them to continue the consideration of the sixth report of the United Kingdom at a subsequent meeting.

The meeting rose at 5.55 p.m.

UNITED
NATIONS

CCPR



**International covenant
on civil and
political rights**

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21 July 2008

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HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE 2542nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 8 July 2008, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Sixth periodic report of the United Kingdom of Great Britain and Northern Ireland
(continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.08-42917 (E) 100708 210708

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Sixth periodic report of the United Kingdom of Great Britain and Northern Ireland
(continued) (CCPR/C/GBR/6)

1. At the invitation of the Chairperson, the members of the United Kingdom delegation resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation to respond to the supplementary questions raised by the Committee at the previous meeting.

38. Ms. DICKSON (United Kingdom) said that primary responsibility for implementing human rights obligations extending to the Overseas Territories lay with the Territory Governments, although the United Kingdom had ultimate international responsibility for compliance with treaty obligations. In the constitutional review which the Government was currently conducting with most Territories, it was seeking to ensure that their constitutions reflected, at a minimum, the provisions of the Covenant and the European Convention on Human Rights.

39. The Covenant did not apply to the British Indian Ocean Territory because the United Kingdom had not ratified it on behalf of the Territory at the time of or since its accession. Concerning Chagos islanders, as her Government was currently appealing to the House of Lords a judgement by the Court of Appeal allowing them to return to the outer islands of the Territory, it would be inappropriate to comment on the outcome. The Government had provided them with compensation amounting to £14.5 million, and a significant number of them had acquired British citizenship with right of abode in the United Kingdom.



International Covenant on Civil and Political Rights

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Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Convention

Seventh periodic reports of States parties due in July 2012

**United Kingdom, the British Overseas Territories, the Crown
Dependencies***

[29 December 2012]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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List of abbreviations

BME = Black and Minority Ethnic

CDs = Crown Dependencies (comprising the Isle of Man, the Bailiwick of Jersey, the Bailiwick of Guernsey and its dependencies)

CRE = Commission for Racial Equality

DRC = Disability Rights Commission

ECHR = Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

ECtHR = European Court of Human Rights

EHRC = Equality and Human Rights Commission

EOC = Equal Opportunities Commission

HRA = Human Rights Act 1998

HRC = United Nations Human Rights Committee

ICCPR = International Covenant on Civil and Political Rights

IPCC = Independent Police Complaints Commission

OTs = British Overseas Territories covered by the ICCPR (comprising Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and its dependencies (Ascension Island and Tristan da Cunha), and the Turks and Caicos Islands).

UK = United Kingdom (comprising England, Wales, Scotland and Northern Ireland)

Foreword

1. The rights debate in the UK since 2001 has been about where to draw the line and how to set the balance between public security and individual rights. This debate has been invigorated by the new coalition government in the UK, which has committed itself to promoting a greater understanding of rights, as well as a progressive re-examination of many areas of its own rights policy.

2. Since the publication of the UK Government's sixth report on the International Covenant on Civil and Political Rights, the coalition government's reappraisal of rights has enabled it to address areas where it has felt the balance had shifted too far in a particular direction, or where recent events had revealed a gap in the protections offered or how the protections are given effect. The controversial control orders regime has thus been repealed and replaced with Terrorism Investigation and Prevention Measures, pre-trial detention has been reduced to 14 days from 28 days, identity cards were scrapped and the National Identity register was destroyed in February 2011, and a series of initiatives by a number of government departments, such as the anti-Muslim hatred work of the Department of Communities and Local Government, address discrimination against religious minorities, and in particular against Islam.

3. Other consequences to the response to terrorism continue to progress towards their respective resolutions. For instance, the police investigations against allegations of UK complicity in mistreatment of foreign nationals in third countries continue and are expected to be subject to a judge-led review once they have been completed.

4. In the time since the previous periodic report, the UK has also faced a number of challenging domestic incidents that have tested areas of its rights regime. In the summer of 2011 the civil disturbances in a number of cities across metropolitan UK marked a temporary rise in the numbers of young people being tried and sentenced in UK courts, but were also handled without invoking extraordinary measures or derogating rights. The protests related to the financial crisis that have characterised recent years were mostly handled without incident, though they have required reconsideration of certain police crowd management methods.

5. Building on the universal periodic report process, the UK government has engaged widely with non-governmental organisations, including the UK's national human rights institutions, to enrich and balance the report. Their input confirmed our belief that monitoring the protection of civil and political rights is not merely about cataloguing restrictions to liberties and developments that only impact on small sections of the population and foreign groups. It is about explaining a much broader story, one which contains a great deal that the UK can be proud of.

6. For instance, the adoption and implementation of the Equalities Act 2010 is a significant extension and rationalisation of our equalities rights, placing as it does all protected characteristics under a common legislative framework for the first time in the UK.

7. Of great impact to the character of this report has been the increase in devolution of powers in areas of relevance to human rights in the devolved nations of Wales, Scotland and Northern Ireland. Working within the framework of the new Equalities Act, Wales has taken the step to legislate for equalities duties, an innovation that the rest of the UK will follow with interest. Similarly, Scotland has made a firm commitment to tackling violence against women in Scotland. The UK can rightfully regard itself as a leader in this field, having made substantial efforts to support prevention and victims services, as well as bringing into force strong legislation prohibiting forced marriage.

8. Reporting to the United Nations Human Rights Committee is to contribute to our dialogue with the global community and the multilateral organisations that do so much to make this community possible, to learn from others and to promote what we have learned. In this context we commend this report to you. The complex, diverse picture that it presents reflects the four Nations, three Crown Dependencies, fourteen Overseas Territories and countless ethnicities, religions and other groups that we include, and the work of the coalition government that has prepared this report on their behalf. We welcome this scrutiny and will not shirk from taking action where we need to.

I General information

A. Introduction

9. The UK government has sought to engage widely to guide the production of this report. It was commissioned across government following a consultation with a group of interested non-governmental organisations, including the UK's national human rights institutions, who were asked about the themes they would like to be covered. Following compilation, the report was also circulated as a draft to this group for additional comments.

10. New constitutional legislation has modernised the arrangements in a number of the UK's overseas territories as well, as a part of the government's drive to establish a mature relationship between the UK and the territories that encourages development and self-determination where this can be achieved.

11. Full submissions have accordingly been received from each of the territories for the first time, and to support this development, we have prepared supplemental background information for each Crown Dependency and Overseas Territory at the head of this report, to complement the information previously included in the UK's core document. With respect to information for the metropolitan UK, reference is made to the core document, as updated by additional information on the UK in support of the UK initial report on the Convention on the Rights of Persons with Disabilities (HRI/CORE/GBR/2011). The structure of this sixth periodic report reflects the current United Nations reporting guidance.¹

12. Despite requests from the UK Government, the devolved administration in Northern Ireland has been unable to agree a contribution to this Report reflecting the views and actions of the Northern Ireland Executive relating to those Articles for which they have policy responsibility under the devolution settlement. The UK government expresses its concern at this outcome and sincerely hopes that this can be remedied in time for the next periodic report. The report does reflect the UK Government's responses in relation to those articles where it retains policy responsibility.

Note on the general information

13. With respect to the territory of the United Kingdom represented by England, Scotland, Wales and Northern Ireland, the UK government refers to its Common Core Document HRI/CORE/GBR/2010, as updated by Additional information on the UK in support of the UK Initial Report on the United Nations Convention on the Rights of Persons with Disabilities HRI/CORE/GBR/2011 (2011.), to provide the Human Rights Committee with the relevant information to support this report.

14. However, since this report provides a uniquely complete insight into developments in rights protection in the Crown Dependencies and Overseas Territories of the United Kingdom, we will present a consolidation of background material on these areas in the

¹ Office of the High Commissioner for Human Rights et al., *Manual on human rights reporting under six major international human rights instruments*, Geneva, 1997. (http://www.unhchr.ch/pdf/manual_hrr.pdf). Office of the High Commissioner for Human Rights, *Compilation of guidelines on the form and content of reports submitted by States Parties to the international human rights treaties*, HRI/GEN/2/Rev.3, 8 May 2006. ([http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/975dd3fb10e75b83c12571850050edda/\\$FILE/G0641857.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/975dd3fb10e75b83c12571850050edda/$FILE/G0641857.pdf)).

following two sections, to assist the Committee in its understanding of these unique and fascinating territories.

15. An additional statement on the information and publicity activities the UK government engages in to raise awareness of Human Rights is provided in section D of this chapter.

B. Overseas Territories²

16. By its act of ratification of 20 May 1976, the UK extended the ICCPR to Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and its dependencies (Ascension Island and Tristan da Cunha), and the Turks and Caicos Islands.

² Reproduced from the UK Government's White Paper on 'The Overseas Territories: Security, Success and Sustainability' <http://www.fco.gov.uk/resources/en/pdf/publications/overseas-territories-white-paper-0612/ot-wp-0612>.

II. Reporting on the substantive provisions

A. Response to the concluding observations

United Kingdom, British Overseas Territories and Crown Dependencies⁷

Introduction

189. In paragraph 31 of its concluding observations (CCPR/C/GBR/CO/6, adopted on 18 July 2008. on the United Kingdom's sixth periodic report, the Human Rights Committee asked the United Kingdom to provide, within 12 months, information on matters referred to in paragraphs 9, 12, 14 and 15 of the concluding observations. This was provided to the Human Rights Committee in the information received from the United Kingdom of Great Britain and Northern Ireland on the implementation of the concluding observations of the Human Rights Committee (CCPR/C/GBR/CO/6/Add.1-3).

190. Other recommendations were addressed to the United Kingdom in paragraphs 6, 7, 8, 10, 11, 13 and 16-29 of the Committee's concluding observations.

⁷ CCPR/C/GBR/CO/6, adopted on 18 July 2008.

Reply to the recommendations contained in paragraph 22 of the concluding observations

206. In 2008 the Law Lords (now the Supreme Court of the United Kingdom) upheld the validity of the British Indian Ocean Territory (BIOT) 2004 Orders in Council. This means that no person has the right of abode in BIOT or the right to enter the Territory unless authorised. A case has been brought against the UK at the European Court of Human Rights around these issues. The UK government has not yet been informed when to expect a judgement.



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Human Rights Committee

114th session

29 June–24 July 2015

Item 5 of the provisional agenda

Consideration of reports submitted by States parties
under article 40 of the Covenant

List of issues in relation to the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland

Addendum

Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues*

[Date received: 25 March 2015]

* The present document is being issued without formal editing.

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List of abbreviations

BME	Black and Minority Ethnic
BOT	British Overseas Territory ¹
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CD	Crown Dependency ²
CRC	Convention on the Rights of the Child
ECHR	Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms
ECNI	Equality Commission for Northern Ireland ³
ECtHR	Council of Europe European Court of Human Rights
EHRC	Equality and Human Rights Commission ⁴
EU	European Union
HM	Her Majesty's
HMP	Her Majesty's Prison
HRA	Human Rights Act 1998 ⁵
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to the International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
JCHR	UK Parliament Joint Committee on Human Rights ⁶
LOI	"List of Issues" from the Human Rights Committee ⁷
NGO	Non-governmental organization
NHRI	National Human Rights Institutions (in the UK, they include the: EHRC; SHRC; NIHRC)
NHS	National Health Service
NIHRC	Northern Ireland Human Rights Commission ⁸
Paris Principles	Principles relating to the status of national institutions

¹ There are fourteen British Overseas Territories, the following ten of which are permanently inhabited (see pp. 40–115 of HRI/CORE/GBR/2014): Anguilla; Bermuda; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno; St Helena, Ascension, Tristan da Cunha; Turks and Caicos Islands; Virgin Islands (commonly known as the British Virgin Islands).

² There are three Crown Dependencies (see pp. 115–147 of HRI/CORE/GBR/2014): the Bailiwick of Guernsey; the Bailiwick of Jersey; and the Isle of Man.

³ www.equalityni.org/.

⁴ www.equalityhumanrights.com/.

⁵ www.legislation.gov.uk/ukpga/1998/42/contents.

⁶ www.parliament.uk/jchr.

⁷ CCPR/C/GBR/Q/7.

⁸ www.nihrc.org/.

PSNI	Police Service of Northern Ireland
SHRC	Scottish Human Rights Commission ⁹
UK	United Kingdom (England, Northern Ireland, Scotland, Wales)
UPR	Universal periodic review
VAWG	Violence Against Women and Girls

⁹ www.scottishhumanrights.com/.

Introduction

1. The UK Government is grateful to the Human Rights Committee for the opportunity to respond to the LOI that are going to form the basis of the examination of the UK (and of those BOTs and CDs to which the ICCPR has been extended) in July 2015. The response to the LOI is enclosed below.
2. The LOI is composed of 30 paragraphs which, according to the UK Government, subdivide into 87 separate issues to which to respond. Whilst every effort was made to keep within the 30 page limit recommended by the Committee Secretary¹⁰ for the UK response, it was not possible to do so because of:
 - The number of issues raised;
 - The need to reflect the specific position of the devolved administrations (in Northern Ireland, Scotland and Wales) where appropriate;
 - The need to reflect that the UK has three legal jurisdictions (England and Wales; Scotland; and Northern Ireland) and that the implementation of the ICCPR, though applying uniformly across the UK, may take place through different mechanisms.
3. In order to minimize the number of words, the UK response contains several references to separate recent UK reports to the United Nations as well as links to a wide range of documents that the Committee may wish to take into account in its assessment of the compliance of the UK with the ICCPR.
4. The UK Government hopes that the response will address the Committee's concerns and looks forward to the dialogue with the Committee in July.

Response to the LOI

¹⁰ Letter of 11 November 2014, reference KF/112/LOI.

¹¹ P. 32 of Mid Term Report 2014.

¹² P. 97 of CCPR/C/GBR/7.

¹³ CCPR/C/1/Add.17.

¹⁴ CCPR/C/95/Add.3.

British Indian Ocean Territory

57. The United Nations “Handbook on final clauses of multilateral treaties”⁸⁵ confirms that: “When expressing consent to be bound, the United Kingdom may declare in writing to the depositary to which, if any, of its territories the treaty will extend. If the instrument expressing consent to be bound refers only to the United Kingdom of Great Britain and Northern Ireland, it applies only to the metropolitan territory.”

58. In the case of the ICCPR, the UK expressed its consent to extend the Covenant⁸⁶ *only* to nine permanently inhabited BOTs (Bermuda; Cayman Islands; Falkland Islands and dependencies; Gibraltar; Montserrat; Pitcairn Islands; St Helena and its dependencies; Turks and Caicos Islands; and (British) Virgin Islands), and to the three CDs (Bailiwick of Jersey; Bailiwick of Guernsey; and the Isle of Man).

59. In light of the above, the ICCPR has not been extended (and therefore is not applicable) to the British Indian Ocean Territory (BIOT). The UK Government therefore considers that the Committee’s recommendation in respect of the BIOT goes beyond the Committee’s remit, and that the BIOT should not be included in the UK’s periodic reports under the ICCPR.

60. However, the UK Government would like to draw the Committee’s attention to the fact that the BIOT has no permanent inhabitants. Members of the Armed Forces, officials and contractors in the Territory are merely temporary occupants without any right of residence. It is therefore unclear what benefit would be derived from extending the ICCPR to this territory.

61. With regard to the Chagossians, the UK Government would like to draw the Committee’s attention to the judgment⁸⁷ of the House of Lords (the highest domestic court

⁸⁵ Treaty Section of the UN Office of Legal Affairs, *Handbook on final clauses of multilateral treaties*, p. 82.

⁸⁶ See *UK Treaties Online* at <http://treaties.fco.gov.uk/treaties/treatyrecord.htm?tid=2535>.

⁸⁷ *R (on the application of Bancoult) v. Secretary of State for Foreign and Commonwealth Affairs* [2008] UKHL 61.

at the time, now the UK Supreme Court) which overruled the decision in *Bancoult* 2⁸⁸ cited by the Committee; further, the ECtHR ruled⁸⁹ in 2012 that the Chagossians have already been fully compensated. These judgments notwithstanding, the UK Government stated that it will review its policy towards resettlement of the BIOT by the “Chagossians”. To that end, an independent feasibility study of resettlement was completed in January 2015⁹⁰ and the UK Government is currently concluding the policy review. In addition, temporary access to the BIOT is being funded and facilitated by the BIOT Administration to allow former islanders to be brought back on “heritage” visits.

⁸⁸ *R (on the application of Bancoult) v. Secretary of State for Foreign and Commonwealth Affairs* [2006] EWHC 1038 (Admin).

⁸⁹ *Chagos Islanders v. United Kingdom* – 35622/04 [2012] ECHR 2094 (11 December 2012).

⁹⁰ A draft version of the study is available at <https://www.gov.uk/government/speeches/publication-of-the-draft-biot-resettlement-feasibility-study>.



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Human Rights Committee

Consideration of reports submitted by States parties under article 40 of the Covenant

Fifth periodic reports of States parties due in 2010

Mauritius*

[Date received: 23 May 2016]

* The present document is being issued without formal editing.

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Introduction

1. The Treaty-Specific Document of the International Covenant on Civil and Political Rights which covers the period March 2005 to December 2015 focuses on the progress made in the implementation of the different provisions of the Covenant since the country was last reviewed in 2004. It includes action taken by the State to enhance, promote and protect the civil and political rights of the people, and to implement the Concluding Observations of the Human Rights Committee following the last participative dialogue.

Article 1 – Right to self- determination

2. Mauritius became a sovereign State upon obtaining independence in 1968 and achieved a republican status in 1992. Section 1 of the Constitution recognizes this sovereign status. The State of Mauritius holds free and fair national and local elections at regular intervals. The conduct of these elections is supervised by an independent Electoral Supervisory Commission.

3. The Republic of Mauritius includes the Islands of Mauritius, Rodrigues, Agalega, Tromelin, CargadosCarajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius.

The Chagos Archipelago

4. The Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of Mauritius under both Mauritian law and international law. Although Mauritius has sovereignty over the Chagos Archipelago, it is being prevented from exercising its rights over the Chagos Archipelago because of the de facto and unlawful control of the United Kingdom over the Archipelago.

5. The Government of Mauritius does not recognise the so-called “British Indian Ocean Territory” which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence. This excision was carried out in violation of international law and of 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.

6. Since this illegal excision, Mauritius has consistently and persistently pressed the United Kingdom Government in both bilateral and multilateral fora for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius. In this context, Mauritius has continuously received the support of the African Union and the Non-Aligned Movement which have constantly recognized the sovereignty of Mauritius over the Chagos Archipelago.

7. On 20 December 2010, Mauritius initiated proceedings against the United Kingdom under Article 287 of, and Annex VII to, the United Nations Convention on the Law of the Sea (UNCLOS) to challenge the legality of the “marine protected area” (“MPA”) purportedly established by the United Kingdom around the Chagos Archipelago. The Arbitral Tribunal constituted under Annex VII to UNCLOS, to hear the dispute delivered its Award on 18 March 2015 and unanimously held that the “MPA” violates international law. It ruled that in establishing the “MPA”, the United Kingdom breached its obligations under Articles 2(3), 56(2) and 194(4) of UNCLOS. Moreover, two of the members of the Tribunal confirmed that Mauritius has sovereignty over the Chagos Archipelago. No contrary view was expressed by the other three arbitrators who held that they did not have jurisdiction to address that issue.

8. The excision of the Chagos Archipelago from the territory of Mauritius also involved the shameful eviction by the British authorities of the Mauritians who were residing at the time in the Archipelago (“Chagossians”) in total disregard of their human rights in order to pave the way for the establishment of a US military base in Diego Garcia. Most of the Chagossians were removed to Mauritius.

9. Chagossians, being fully-fledged citizens of Mauritius, 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 2012, the Chagossian Welfare Fund Act was amended to provide for children of members of the Chagossian community to be eligible to stand as candidates and to vote at elections for members of the Board of the Fund.

10. The Government of Mauritius recognises the legitimate right and claim of the former inhabitants of the Chagos Archipelago, as Mauritian citizens, to be resettled in the Archipelago. The Government of Mauritius will continue to press for the early and unconditional return of the Chagos Archipelago to the effective control of Mauritius, whilst firmly supporting the right of return of the Chagossians and other Mauritians to the Archipelago.



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

Forty-sixth session

Summary record of the first part (public)* of the 998th meeting

Held at the Palais Wilson, Geneva, on Thursday, 19 May 2011, at 10 a.m.

Chairperson: Mr. Grossman

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Third periodic report of Mauritius

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.998/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (agenda item 4) (*continued*)

Third periodic report of Mauritius (CAT/C/MUS/3; CAT/C/MUS/Q/3)

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*
2. **Mr. Varma** (Mauritius) said that, since its independence, his country had been committed to building a society based on democracy, good governance, the rule of law and protection of human rights and fundamental freedoms. Mauritius was therefore a party to most of the major international human rights instruments. The aim of the current human rights system in Mauritius was to enable all persons, regardless of race, ethnic origin, colour, gender, disability or religious beliefs to develop their individual and collective potential. The Constitution would be reviewed during the period 2010–2015 so as to strengthen democracy and nation-building and the enjoyment by all Mauritians of their rights and freedoms.
3. The long delay since submission of the previous periodic report, in 1999, in no way denoted a lack of respect towards the Committee, or for the principles laid down in the Convention or any other human rights instruments. During that period, Mauritius had submitted reports to a number of treaty bodies and had actively participated in the work of the Human Rights Council. Indeed, the country had been subject to review under the Universal Periodic Review mechanism. It had not always been an easy task, bearing in mind the limited resources of Mauritius and the difficult economic and other challenges it had faced over the past 10 years.
4. For the State party, torture remained an abhorrent and unacceptable human rights violation, which it was committed to ending wherever it occurred, but especially in its territory. In that regard, he strongly condemned the fact that the island of Diego Garcia, which formed part of Mauritian territory, had been used since September 2001 as a transit point for illegal rendition flights of persons to countries where they risked being subjected to torture or ill-treatment. The use of Diego Garcia for such a purpose could amount to complicity in torture within the meaning of article 4 of the Convention. In February 2008, the Mauritian Government had urged the United Kingdom Government to refrain from acts that were contrary to the Convention or to any other international human rights instruments in respect of Mauritian territory, and it would continue to press for an early return of the Chagos Archipelago to the effective control of Mauritius, not least to ensure that the obligations of Mauritius under the Convention and other international human rights instruments were fulfilled throughout Mauritian territory. Moreover, displaced Chagos islanders should be allowed to exercise their right to return to the Archipelago in accordance with international law, and be granted compensation by the United Kingdom Government for the denial of that right over an extended period. He urged the Committee to make a recommendation to that effect, along the lines of the recommendation made by the Human Rights Committee in July 2008 in its concluding observations concerning the United Kingdom (CCPR/C/GBR/CO/6).



**Convention against Torture
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or Degrading Treatment
or Punishment**

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Committee against Torture

Forty-sixth session

Summary record of the 1001st meeting

Held at the Palais Wilson, Geneva, on Friday, 20 May 2011, at 3 p.m.

Chairperson: Mr. Wang Xuexian (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Third periodic report of Mauritius (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

In the absence of the Chairperson, Mr. Wang Xuexian (Vice-Chairperson) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Third periodic report of Mauritius (continued) (CAT/C/MUS/3)

1. *At the invitation of the Chairperson, the delegation of Mauritius took places at the Committee table.*

2. **Mr. Servansing** (Mauritius) said that the Mauritian authorities would continue to incorporate the norms enshrined in the Convention in the country's legislation, regulations and institutional framework. It would also undertake the reforms required to modernize Mauritian institutions in order to ensure greater independence and transparency and to mainstream the various human rights issues pertaining to torture. Consultations had already been initiated with stakeholders concerning the organization of training courses, especially for prison and police officers. He emphasized, however, that Mauritius, as a small island developing State, was grappling with a number of structural, financial and social constraints, including unemployment and poverty, which called for a judicious distribution of resources.

3. He assured the Committee that the judiciary was independent and that various safeguards were in place, such as the right of appeal to the Judicial Committee of the Privy Council. As Mauritius was a multiracial participatory democracy, the finalization of bills for enactment by Parliament could sometimes be a lengthy procedure. Mauritius required the support of all international stakeholders to regain full control and sovereignty over its territory. The Chagos Archipelago, including Diego Garcia, was an integral part of its territory, which should not be used as a platform for the perpetration of any form of torture.

58. **Ms. Narain** (Mauritius) said that Mauritius was attending to the issue of the number of people detained in police cells. Records on detainees and their length of detention were available. The National Human Rights Commission was empowered to visit detainees. Various measures were being implemented to expedite the handling of cases and address the issue of excessively long pretrial detention. They included restructuring the Supreme Court and increasing the number of judges, introducing modifications to the Attorney General's Office and investing in the police.

65. On behalf of her delegation she thanked the Committee for its comments on Diego Garcia and the Chagos Archipelago. Mauritius wished to take action on legal aid, particularly at the enquiry stage. The Government was working on a grass-roots scheme of free legal aid for the needy. Consideration would be given to prohibiting corporal punishment in the Children's Bill.



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or Punishment**

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Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Fourth periodic reports of States parties due in 2015

Mauritius*, **

[Date received: 25 April 2016]

* The third report of Mauritius is contained in document CAT/C/MUS/CO/3; it was considered by the Committee at its 998th and 1001st meetings, held on 19 May and 20 May 2011 (CAT/C/SR.998 and 1001). For its consideration, see the Committee's concluding observations (CAT/C/MUS/CO/3).

** The present document is being issued without formal editing.

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23. Please provide information on the measures taken in respect of protection of the Chagos Islanders forcibly displaced from Diego Garcia and the Chagos Islands.

145. The Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius under both Mauritian law and international law. The Republic of Mauritius is, however, being prevented from effectively exercising its sovereignty over the Chagos Archipelago because of the unlawful control of the United Kingdom over the Archipelago. The United Kingdom illegally excised the Chagos Archipelago from the territory of Mauritius prior to its accession to independence, in violation of international law and of 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.

146. The illegal 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 (“Chagossians”) in total disregard of their human rights, in order to pave the way for the establishment of a US military base in Diego Garcia. Most of the Chagossians were removed to Mauritius.

147. Chagossians, being fully-fledged citizens of the Republic of Mauritius, enjoy the same rights as other Mauritian citizens, including access to free health services, free education, and free public transport for students, elderly persons and disabled persons. However, with a view to improving the well-being of the Chagossians, the Government of the Republic 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.

148. The objects of the Chagossian Welfare Fund are to, *inter alia*, advance and promote the welfare of the members of the Chagossian community and their descendants, and develop programmes and projects for their total integration into Mauritius. The Chagossian Welfare Fund Board is responsible for organizing educational, recreational, sports and social activities aimed at advancing and promoting the welfare of Chagossians. These activities, *inter alia*, include:

- Scholarship schemes for primary and secondary school, and tertiary students
- Payment of funeral grants
- Medical check-up
- Sports Day and other sports tournament

- Educational and residential seminars for the youth and senior citizens
- Provision of construction materials and labour to needy persons
- Distribution of provisions to Chagossians aged 60 and above
- Visits to old and bedridden Chagossians as well as those in homes and
- Distribution of school materials to children whose parents face financial difficulties

149. There are two Chagossian Community Centres under the jurisdiction of the Board, which are staffed by 4 full-time workers and 4 part-time contract workers of Chagossian origin. The Office of the Board also employs two staff members of Chagossian origin on a full-time basis. In 2012, the Chagossian Welfare Fund Act was amended to provide for children of members of the Chagossian community to be eligible to stand as candidates and to vote at elections for members of the Board of the Fund.

150. The Government of the Republic of Mauritius recognizes the legitimate right and claim of the former inhabitants of the Chagos Archipelago, as Mauritian citizens, to be resettled in the Archipelago. The Government of the Republic of Mauritius will continue to press for the early and unconditional return of the Chagos Archipelago to the effective control of the Republic of Mauritius, whilst firmly supporting the right of return of the Chagossians and other Mauritians to the Archipelago.



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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11 August 2011

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Seventh periodic reports of States parties

United Kingdom of Great Britain and Northern Ireland*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.



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Annex 3: The relationship of the United Kingdom with the Overseas Territories (OTs)

The OTs are Anguilla; Bermuda; the British Antarctic Territory; the British Indian Ocean Territory; the Sovereign Base Areas of Akrotiri and Dhekelia; the British Virgin Islands; the Cayman Islands; the Falkland Islands; Gibraltar, Montserrat; Pitcairn Henderson, Ducie and Oeno Islands; St. Helena; Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; and the Turks and Caicos Islands. They are British for as long as they wish to remain British.

The OTs are constitutionally not part of the United Kingdom. Her Majesty the Queen is Queen of all the OTs. All of them have separate constitutions made by an Order in Council. All have Governors, Commissioners or Administrators. They

³⁷ <http://wales.gov.uk/about/civilservice/departments/pslgd/sjlg/?lang=en>.

represent both Her Majesty the Queen in the Territory; and the Territory's interests to Her Majesty's Government in London.

The United Kingdom is generally responsible for the defence, security, international relations and overall good governance of the Territories and the well-being of their citizens. The Overseas Territories Directorate in the FCO takes the overall lead on managing the relationship of the United Kingdom with its OTs.