

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) which was adopted by the United Nations General Assembly on **21 December 1965**, entered into force on **4 January 1969** and was acceded to, by Mauritius on **30 May 1972**.

Objectives

The **25 articles** of the Convention lay emphasis on:

- Eliminating racial discrimination and promote harmony and understanding among all racial and ethnic groups.
- Protecting the civil, political, economic and social rights for all.
- Taking positive steps in both legislation and policy to eliminate racial discrimination by public authorities and in the private spheres.
- Reviewing governmental, national, and local policies.

The implementation of the Convention is monitored by the Committee on the Elimination of Racial Discrimination (CERD Committee). Articles 11 to 13 establish a dispute resolution mechanism between parties. A party that believes another party is not implementing the Convention may complain to the CERD Committee. Furthermore, Article 14 establishes an individual complaints mechanism whereby complaints from individuals or groups who claim that their rights under the Convention have been violated are considered, following which the Committee will issue recommendations to the State party accordingly.

Domestication

The CERD has been domesticated in **Mauritius** in various legislations namely:

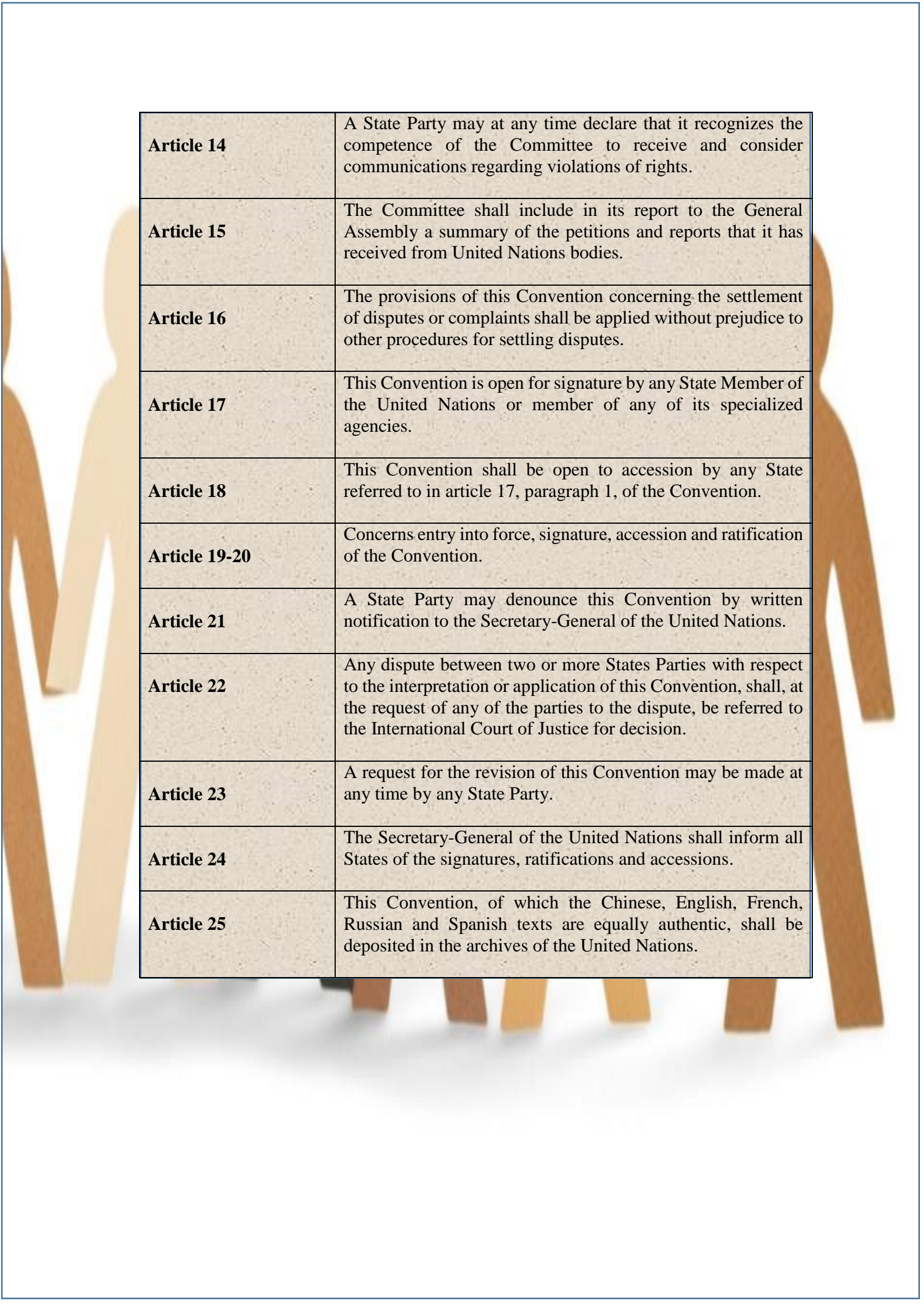
- The Constitution (Sections 3, 5, 8, 10, 16)
- The Information and Communication Technologies Act 2001
- The Legal Aid Act
- The Local Government Act
- The Information and Communication Technologies Act
- The Legal Assistance Act
- The HIV and AIDS Act
- The Equal Opportunities Act
- The Criminal Code (Sections 183, 184, 185, 206, 282, 283, 286) and the
- The Dangerous Chemicals Control Act

Status

The 24th and 25th Combined Periodic Report of the State of Mauritius was submitted on 29 June 2021 and Mauritius is yet to be reviewed.

PROVISIONS

Article 1	Defines racial discrimination as “ <i>any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin ...</i> ”
Article 2	Requires positive steps to be taken in both legislation and policy to eliminate racial discrimination by public authorities and in the private spheres.
Article 3	The Convention imposes specific duties to prevent, prohibit and eradicate segregation and apartheid.
Article 4	Condemns racist propaganda and promotes positive measures to eradicate the promotion or incitement of racial hatred and discrimination.
Article 5	Provides access to justice through the assurance of equality before the law.
Article 6	Promotes access to remedy.
Article 7	Requires governments to combat racial prejudice through the education system and information campaigns.
Article 8	Provides for the election of a Committee to monitor the implementation of the Convention.
Article 9	Requires state parties to submit regular reports on their implementation of their obligations for review by the CERD Committee.
Article 10	The Committee shall adopt its own rules of procedure, elect its officers for a term of two years.
Article 11	If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee.
Article 12	After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission.
Article 13	The Commission shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and recommendations.



Article 14	A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications regarding violations of rights.
Article 15	The Committee shall include in its report to the General Assembly a summary of the petitions and reports that it has received from United Nations bodies.
Article 16	The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes.
Article 17	This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies.
Article 18	This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.
Article 19-20	Concerns entry into force, signature, accession and ratification of the Convention.
Article 21	A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
Article 22	Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision.
Article 23	A request for the revision of this Convention may be made at any time by any State Party.
Article 24	The Secretary-General of the United Nations shall inform all States of the signatures, ratifications and accessions.
Article 25	This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.