

Document #2027463

USDOS – US Department of State

Country Report on Human Rights Practices 2019 - Mauritania

Executive Summary

Mauritania is an Islamic Republic with a president as head of state and a constitution grounded in French civil law and sharia (Islamic law). The National Assembly exercises legislative functions but was weak relative to the executive. Voters elect deputies to the National Assembly, municipal mayors, and regional councilors. On June 22, voters elected former minister of defense Mohamed Ould Cheikh El Ghazouani as president in the first round of the presidential elections with 52 percent of the vote. The election marked the first democratic transition of power between two elected presidents since the country's independence in 1960. Both the United Nations and African Union observers considered the election to be relatively free and fair. In the September 2018 parliamentary elections, the Union for the Republic (UPR), the political party founded by former president Mohamed Ould Abdel Aziz, won a majority 95 of 157 seats in the National Assembly.

The Ministry of Interior and Decentralization controls the National Police, which is responsible for enforcing the law and maintaining order in urban areas. The National Guard performs a limited police function in keeping with its peacetime role as the guarantor of physical security at government facilities, to include prisons. Regional authorities may call upon the National Guard to restore civil order during riots and other large-scale disturbances. The gendarmerie, a specialized paramilitary organization under the authority of the Ministry of Defense, is responsible for maintaining civil order around metropolitan areas and providing law enforcement services in rural areas. The Ministry of Interior and Decentralization's newest police force, the General Group for Road Safety, maintains security on roads and operates checkpoints throughout the country. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included allegations of torture by law enforcement officers; arbitrary and politically motivated arrests; harsh and life-threatening prison conditions; sporadic restrictions on freedom of assembly; restrictions on freedom of association and religion; widespread corruption; crimes of violence against women and girls, which the government took little action to prevent or prosecute; criminalization of same-sex sexual conduct; continued existence of slavery and slavery-related practices with antislavery organizations subjected to restrictions; trafficking in persons; and child labor.

The government took modest steps to punish officials who committed violations and prosecuted some violators, but officials frequently acted with impunity. Civil society organizations objected to the scant number of indictments handed down by the authorities.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

Blogger Mohamed Cheikh Ould Mkheitir, initially sentenced to death in 2013 for apostasy and imprisoned until 2017, was released on July 29 after being held by the government for an additional two years in administrative detention. On August 3, Mkheitir arrived in France after Mauritanian authorities initially escorted him to Senegal.

b. Disappearance

There were no reports of disappearances by, or on behalf of, government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits torture. A 2015 law requires the establishment of a mechanism for prevention of torture. This law considers torture, acts of torture, and inhuman or degrading punishments as crimes against humanity not subject to a statute of limitations. The law specifically

covers activities in prisons, rehabilitation centers for minors in conflict with the law, places of custody, psychiatric institutions, detention centers, areas of transit, and border crossing points. Despite this statute, nongovernmental organizations (NGOs) reported security and law enforcement officials tortured members of the NGO community. Methods of abuse reportedly included beatings and stripping of clothing. There were credible reports of torture, beatings, and abuse in police detention centers and several prisons throughout the country and in gendarmerie and military facilities. Nevertheless, the practice during the year was increasingly rare compared with the previous year.

In 2016 the government created the National Mechanism for Prevention of Torture (MNP) as an independent governmental body charged with investigating credible allegations of torture. The MNP has not launched any investigation since its inception.

Complaints filed with the courts for allegations of torture were submitted to police for investigation, unlike in previous years. The government continued to deny the existence of “unofficial” detention centers, even though NGOs and the United Nations pointed out their continuing usage. Neither the MNP nor the National Human Rights Commission (CNDH) directly addressed the existence of these places.

Prison and Detention Center Conditions

Prison conditions remained life threatening due to persistent food shortages, violence, inadequate sanitary conditions, lack of adequate medical care, and indefinite pretrial detention. On October 31, the government approved a comprehensive justice sector reform program. The overriding goal of the program is to remove barriers to access to justice and improve prison conditions. The plan calls for an expanded public defender program, comprehensive penal reform (to include replacing National Guard units with civilian wardens in the supervision of inmates (particularly females), and a general update of jurisprudence, most of which is based on laws that date to the 1960s.

Physical Conditions: Prisons remained overcrowded. Authorities frequently grouped pretrial detainees with convicts who represented a danger to other prisoners. Male guards frequently monitored female inmates, a practice criticized by the CNDH.

There were two separate prisons for women, one in the capital Nouakchott and the other in the country's second-largest city, Nouadhibou. Almost all supervisors of female inmates were male because the all-male National Guard was assigned the task of supervising prisons nationwide. The few female supervisors in prisons were not members of the National Guard but rather were members of civil protection teams (firefighters). Detention conditions for women were generally better than those for men. According to prison officials, the women's prison in Nouakchott was less crowded than those for men.

Prison authorities held a mixed population of prisoners in prison facilities, regardless of their specific sentences. Drugs were often trafficked among prisoners, which the government acknowledged was caused by lax security procedures surrounding visitors. Prisoners often rebelled and disobeyed authorities, in some cases to protest violence and inhuman treatment meted out by jailers. Poor security conditions and an indiscriminate grouping of inmates meant that prisoners often lived with the threat of violence, while some had to pay bribes to other prisoners to avoid brutalization and harassment. Salafist prisoners complained of mistreatment at the Central Civil Prison of Nouakchott. Local NGOs reported that in Dar Naim, the largest prison in the country, inmates partially managed one wing of the prison while staff secured the other half. Narcotics, weapons, and cash reportedly circulated freely because staff could not effectively screen goods that entered the prison and could not safely enter some areas.

Human rights groups continued to deplore the lack of adequate sanitation and medical facilities in prisons nationwide, particularly in the Dar Naim men's prison and at the Central Civil Prison of Nouakchott. The government allocated a budget of 50 ouguiyas (\$1.40) a day for each prisoner for food and medical supplies. Ventilation, lighting, and potable water in many cells and holding areas ranged from inadequate to nonexistent. Authorities reported that 13 persons died in prison custody during the year. Each of the deaths was caused by chronic diseases, such as tuberculosis and AIDS. No families asked for an autopsy of their family members.

In November 2018 the Directorate of Penal Affairs and Prison Administration within the Ministry of Justice established a youth detention center in Nouakchott, which held 54 minors during the year. The regular prison in Nouadhibou held nine minors. An Italian NGO continued to operate a separate detention center for minors, the only prison facility that came close to meeting international standards. These facilities operated in addition to youth detention centers located in police stations throughout the country.

Administration: Authorities permitted prisoners to file allegations of abuse with the CNDH and the MNP. Government regulations also allowed inmates to elect one representative in dealings with the prison administration, and prisoners occasionally made use of this opportunity. The government acknowledged allegations of inhuman conditions but rarely took corrective action. Periodically

prisoners were transferred to prisons in the interior of the country to alleviate the overflow of prisoners held in Nouakchott; however, these transfers often meant that prisoners were separated from their families and legal representatives, and it increased the average length of time prisoners were held in pretrial detention.

Independent Monitoring: The government permitted prison and detention center visits by NGOs, diplomats, and international human rights observers. The International Committee of the Red Cross (ICRC) had unlimited access to prisons and conducted multiple visits, including visits to prisoners suspected of terrorist activities. International and local partners, to include the ICRC, the Noura Foundation, Caritas-Mauritania, contributed to the improvement of general hygiene and living conditions in the detention centers and prisons with the support of the government. In particular the ICRC helped to improve infrastructure, hygiene, and health conditions in detention centers and rehabilitated the sanitation network of Dar Naim Prison. The ICRC also implemented a program to combat malnutrition in prisons, to include the main prison in Aleg and Dar Naim by rehabilitating kitchen facilities and periodically providing medicines and other hygiene products.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention, but authorities did not always observe these prohibitions. A detainee has the legal right to challenge the lawfulness of his or her detention under two circumstances: first, if a person remains arrested after the end of his or her legal period of detention and second, if the detainee disagrees with his or her sentence, in which case he or she has the right to file an appeal before a court of appeal or the Supreme Court.

During the year authorities arbitrarily arrested and detained protesters, human rights activists, and journalists (see section 2.a.). In response to protests following the announcement of the initial presidential election results, police arrested more than 225 persons. Many of those detained claimed to have been tortured during their initial arrests but stated they received better treatment while in police custody. All those detained were subsequently released, although nine individuals accused of destruction of public property were held for more than four months in pretrial detention before their release on November 9.

Arrest Procedures and Treatment of Detainees

Authorities generally did not inform detainees of the accusations against them until the conclusion of police investigation. With few exceptions, individuals could not be detained for more than 48 hours without evidence, and prosecutors may extend the period for an additional 48 hours in some cases. Because nonbusiness days are not counted within this 48-hour maximum period, police officers often arrested individuals on a Wednesday or Thursday to keep them in custody for a full week. If a person is detained on terrorism charges, that individual can be held in custody for as long as 45 days.

On July 19, the 126th UN Human Rights Committee conducted its periodic country review and recommended the duration of police custody not exceed 48 hours. The review noted police records of detainees in police stations were poorly maintained. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. By law indigent defendants are entitled to an attorney at state expense, but legal representation was frequently either unavailable or attorneys did not speak the defendant's language (and were not always provided translation services). Judges often arbitrarily refused requests for bail or set inordinately high bail amounts.

Arbitrary Arrest: There were cases of arbitrary arrest and detention of journalists during the year. On March 22, internet bloggers Cheikh Jiddou and Abderrahmane Weddady were arrested after posting Facebook comments alleging corruption on the part of former president Aziz and other government officials. On June 3, they were released. On June 26, police arrested a prominent human rights activist and journalist, Camara Seydi Moussa, at his home and confiscated telephones from all members of his family in the wake of postelection protests. Moussa was released on July 3.

Pretrial Detention: Lengthy pretrial detention remained a serious problem, although no statistics on the average length of detention were available. Members of the security forces sometimes arrested demonstrators and held them longer than the legal maximum time, often due to lack of capacity to process cases in a timely manner, and in some cases to obtain confessions. By law authorities may not hold a minor for more than six months while the detainee awaits trial. Nevertheless, there were reports of many individuals, including minors, remaining in pretrial detention for excessively long periods due to judicial inefficiency.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary was not autonomous. The executive branch continued to exercise significant influence over the judiciary through its ability to appoint and remove judges. Observers often perceived many judges to be corrupt and unskilled.

Trial Procedures

The law provides for due process, and defendants are presumed innocent until proven guilty. The law requires that authorities inform defendants of the charges against them, but the government did not normally respect this provision. Defendants often did not learn of the charges against them until police investigation was complete. Authorities generally provided defendants with free interpretation as required; however, the quality of these services was generally poor. Defendants have the right to a fair and public trial. They also have the right to be present during their trial. All defendants, including the indigent, have the right to legal counsel, but authorities rarely respected this right. Likewise, defendants may confront or question witnesses and present witnesses and evidence in both civil and criminal cases.

Defendants generally had adequate time and facilities to prepare their defense. Defendants enjoy the right not to be compelled to testify or confess guilt and have the right of appeal. These rights extend to minorities and men but do not extend equally to women. Court proceedings are by law conducted in Arabic, and interpreters are not always available for those defendants who do not speak the language. Some bilingual judges could communicate with defendants in French. Sharia is, in part, the basis for trial procedures. Courts did not always treat women equally with men during these proceedings.

A special court for minors hears cases involving persons younger than age 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration. The minimum age for a child to stand trial is 12 years. Several NGOs expressed concern regarding the detention of minors within the general prison population, although the new youth detention center that opened in November 2018 helped alleviate some of these concerns.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Complaints of human rights violations fall within the jurisdiction of the Administrative Court. Individuals or organizations may appeal decisions to international and regional courts. NGO representatives stated they collaborated with the Administrative Court but added it was not impartial. There are administrative remedies through the social chamber of a court of appeals and the Supreme Court. Persons may sue at the Administrative Court and appeal to the court of appeals and then to the Supreme Court.

Property Restitution

Property ownership in the southern regions has been controversial since the government expelled tens of thousands of non-Arab sub-Saharan from communities along the Senegal River Valley (Halpulaar, Soninke, and Wolof) between 1989 and 1991 amid tensions with neighboring Senegal. Many non-Arabs were dispossessed of their land, which regional officials subsequently sold or ceded to Beydane, also known as “Arabo-Berbers” and “White Moors” (see section 6). Although the government continued to make modest efforts to indemnify returning deportees, it did not fully restore their property rights. The government reimbursed some dispossessed in cash and provided jobs for others.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, although there were scattered reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech, including for the press, and the government arbitrarily and selectively applied regulations to suppress individuals or groups of individuals who opposed government policies. Individuals were generally free to criticize the government publicly but were occasionally subject to retaliation. The constitution and law prohibit racial or ethnic propaganda. The government used these provisions against political opponents, accusing them of “racism” or “promoting national disunity” for speaking out against the extreme underrepresentation in government of disadvantaged populations (namely the Haratines, or “Black Moors”), and sub-Saharan Africans.

Freedom of Expression: There were no major restrictions on freedom of opinion and expression. Nevertheless, local NGOs and bloggers, among other observers, reported the government’s actions in recent years discredited their image and reputation.

Press and Media, Including Online Media: Several independent daily publications expressed a range of views with limited restrictions. Throughout the year incidents of government retaliation against media decreased compared with the previous year.

On July 3, authorities arrested Ahmedou Ould Wediaa, an antislavery activist and a journalist for the private television station al-Mourabitoune. The same day, another journalist, Camara Seydi Moussa, known for his frequent criticism of the government, was released after being detained for one week by police. These arrests were linked to the journalists’ published criticism of the presidential election process and disputation of the election results. Independent media remained the principal source of information for most citizens, followed by government media. Government media focused primarily on official news but provided some coverage of opposition activities and views—a practice that was noticeably more frequent after the new government took office in August.

Censorship or Content Restrictions: Some opposition leaders asserted they had no access to official media channels or outlets. The government made payment of back taxes, at times unpaid for years with official complicity, a matter of priority, threatening several independent media stations with insolvency. Since the August inauguration of the new president, private media channels have not reported being threatened.

Internet Freedom

The government cut internet communications for 11 days following postelection protests, although the duration of outages and disruptions varied by sector and region. There was no evidence that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. In September 2018 the government closed a religious training center linked to the political opposition. The center remained closed as of the year’s end.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly. Registered political parties are not required to seek permission to hold meetings or demonstrations. The law requires NGO organizers to apply for permission to hold large meetings or assemblies. Authorities usually granted permission but, on some occasions, denied it in circumstances that NGOs claimed were politically motivated.

Freedom of Association

The law provides for freedom of association, and the government generally, but not in every instance, respected this right. All local NGOs must register with the Ministry of Interior and Decentralization. If the ministry fails to respond within 45 days to a request to establish an NGO, the absence of an official answer is a tacit recognition that the NGO may operate, even though the NGO in these cases of nonresponse is not formally sanctioned and remains in a legally precarious status. The government encouraged locally registered NGOs to join a government-sponsored Civil Society Platform. Approximately 6,000 local NGOs registered with this platform during the year.

Since 2014 Amnesty International documented 43 cases in which NGOs working in the human rights sector had not received a response from the Ministry of Interior to their registration requests. On April 3, police informed the leadership of the association Main dans la Main (Hand in Hand) that they had to close their office in Nouakchott. Police made an inventory of the association’s property but failed to provide any legal grounds for the closure.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, with some exceptions.

In-country Movement: Persons lacking identity cards could not travel freely in some regions. As in previous years, the government set up mobile roadblocks where gendarmes, police, or customs officials checked the papers of travelers.

e. Internally Displaced Persons

Not Applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, vulnerable migrants, and other persons of concern. Resources provided by the government were inadequate to meet the assistance needs of these populations.

Access to Asylum: The law provides for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. UNHCR carries out refugee status determinations under its mandate and then presents cases to the National Consultative Commission for Refugees for recognition. The country hosted nearly 57,000 Malian refugees in the M'bera refugee camp and continued to offer asylum to new refugee arrivals. The country also provided additional security in the camp to allow the Malian refugees to vote in the 2018 Malian presidential election.

In accordance with agreements with the Economic Community of West African States on freedom of movement, the government allows West Africans to remain in the country for up to three months, after which they must apply for residency or work permits. Authorities immediately deported migrants determined to be illegally seeking to reach Spain's nearby Canary Islands.

g. Stateless Persons

The law allows children born outside the country to Mauritanian mothers and foreign men to obtain Mauritanian nationality at age 17. According to the code of nationality, as amended, children born to Mauritanian fathers and foreign mothers are automatically Mauritanian. If the father is stateless, children born outside the country are subject to statelessness until age 17, at which point the child is eligible for nationality. The unwillingness of local authorities to process thousands of sub-Saharan Africans who returned from Senegal following their mass expulsion between 1989 and 1991 rendered the returnees stateless.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot.

Elections and Political Participation

Recent Elections: Voters elected former minister of defense Mohamed Ould Cheikh El Ghazouani as president with 52 percent of the vote during the first round of the June 22 presidential election. On July 1, the Constitutional Council rejected the opposition's appeals and officially confirmed the provisional results published by the Electoral Commission. Prominent antislavery activist and politician Biram Dah Abeid placed second with 19 percent of the vote, while Mohamed Ould Boubacar, a former prime minister backed by the Islamist party, placed third with 17 percent. Observers from the United Nations and African Union judged the election to be relatively free and fair, with no evidence of large-scale fraud that could have materially impacted the outcome of the vote. The presidential elections represented the first transition of power from one democratically elected leader to another since the country's independence in 1960.

In September 2018 the party founded by the former president, the Union for the Republic, won 95 of 157 seats in the National Assembly in legislative elections, which the African Union, judged to be relatively free and fair. The party also won control of each of the 13 regional councils that replaced the previously dissolved Senate, as well as two-thirds of the 219 municipalities.

Political Parties and Political Participation: During the previous regime, the Beydane elite (“White Moor” Arabs) accounted for at most 30 percent of the population but occupied approximately 80 percent of top government leadership positions; Haratines (“Black Moor” Arab slave descendants) constituted at least 45 percent of the population but held less than 10 percent of the positions; and the various sub-Saharan ethnic groups (Halpulaar, Soninke, and Wolof) constituted an estimated 25 percent of the population and accounted for less than 10 percent of top leadership positions. The new president took some initial steps to begin redressing this imbalance, beginning with the composition of his new cabinet. Of the 25 cabinet ministers, five were Haratine and four sub-Saharan.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. Traditional and cultural factors restricted women from participating in political life on an equal basis with men. Despite the existence of the 2006 and 2012 laws promoting women's access to elective positions (to include a quota of 20 percent of seats reserved for women on lists of candidates in legislative and local elections and a quota of 20 seats reserved for women in the National Assembly) the number of women in electoral politics remained low. Following the 2018 legislative elections, 30 women held seats in the 157-member National Assembly. Four women were named to the new cabinet, one from the non-Arab sub-Saharan ethnic community and three from the Beydane (“White Moor”) community.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by government officials, but authorities did not enforce the law effectively, and officials often engaged in corrupt practices with impunity. The law defines corruption as “all exploitation by a public agent of his position for personal purposes, whether this agent is elected, or in an administrative or judicial position.” Corrupt practices were widely believed to exist at all levels of government. The 2015 anticorruption law was mostly used as a weapon against opponents of the regime.

Corruption: Corruption and impunity were serious problems in public administration, and the government rarely held officials accountable or prosecuted them for abuses. There were reports government officials frequently used their power to obtain personal favors, such as unauthorized exemption from taxes, special grants of land, and preferential treatment during bidding on government projects. Corruption was most pervasive in government procurement but was also common in the distribution of official documents, fishing and mining licenses, land distribution, as well as in bank loans and tax payments. Although there was a slight increase in prosecutions for corruption during the year, authorities rarely jailed those found guilty. Instead, they were usually fired and required only to return the funds. One exception was Mohamedou Ould Mohamed Lemine, a former accountant of the National Guard who was sentenced in April 2018 to five years in prison for economic crimes.

Financial Disclosure: The government enforced the requirement that senior officials, including the president, file a declaration of their personal assets at the beginning and end of their government service. This information is not available to the public. During the year the opposition continued to denounce former president Aziz and other government members’ nondisclosure of their personal assets as required by law. On July 31, on the last official day of his presidency, Aziz made a declaration of assets to the Committee on Financial Transparency in Public Life, but this information was not made public. His former minister of finance did the same and later disclosed his information on his personal Facebook page.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Several domestic and international groups also reported evidence of a general change in attitude under the new government, citing statements by government human rights bodies calling attention to international laws and conventions protecting human rights as well as increased willingness to work with human rights groups.

There were restrictions on some human rights groups, particularly those investigating cases of slavery and slavery-related practices. On March 17, authorities prevented entry of a delegation from Amnesty International.

Government Human Rights Bodies: The Commissariat for Human Rights and Humanitarian Action designs, promotes, and implements national human rights policies. The commissariat managed government and internationally funded human rights and humanitarian assistance programs. During a visit to the United States in October, the head of the commissariat met with several international human rights groups, including those, such as the Abolition Institute, who had previously been denied entry to Mauritania, and invited them to visit the country and assist with government efforts to improve human rights legislation and encourage prevention of abuses.

The CNDH, an independent ombudsman organization, includes government and civil society representatives. It actively monitored human rights conditions and advocated for government action to correct violations. The CNDH produced an annual report on thematic human rights topics, conducted regular investigations (to include prison and police detention center facility visits in the aftermath of the wave of postelection arrests conducted by government authorities), and made recommendations to the government. In November the CNDH launched an information “caravan” of public meetings in the country’s far eastern Hodh el Chargui region, where human rights groups believe that cases of hereditary slavery continued to persist, to sensitize marginalized, largely illiterate communities to their rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. Rapists who are single men face penalties of imprisonment, forced labor, and whipping, and married rapists are subject to the death penalty, although this penalty has not been enforced since 1987. The government regularly enforced the law; 50 persons were charged and about one-half of them were sentenced to between five to 10 years’ imprisonment.

Nevertheless, as in years past, wealthy rape suspects reportedly avoided prosecution or, if prosecuted, avoided prison. It was common for the families of the rape victim to reach an agreement with the perpetrator in the form of monetary compensation. On December 17 and 18, the Ministry of Social Affairs, Childhood, and Family hosted a workshop with international experts to discuss the challenge of gender-based violence in Mauritania. The event was cosponsored by the UN Office of the High Commissioner for Human Rights and attended by representatives from the Ministry of Social Affairs of the Child and the Family, the Ministry of Justice, and the Commissariat for Human Rights.

Raped women were discouraged from reporting the crime because they themselves could be jailed for having intercourse outside of marriage. According to the Mauritanian Association for the Health of Mother and Child, 703 cases of gender-based rape and violence were reported in 2018. Reliable data on gender-based violence remained sparse, and the situation of children and women who were victims of abuse was poorly documented. The subject continued to remain taboo due to social mores and traditional norms.

Spousal abuse and domestic violence are illegal, but there are no specific penalties for domestic violence. The government did not enforce the law effectively, and convictions were rare.

Police and the judiciary occasionally intervened in domestic abuse cases, but women rarely sought legal redress, relying instead on family, NGOs, and community leaders to resolve their domestic disputes. NGOs reported that, in certain cases, they sought police assistance to protect victims of domestic violence, but police declined to investigate.

Female Genital Mutilation/Cutting (FGM/C): The law states that any act or attempt to damage a girl’s sexual organs is punishable by imprisonment and a fine of 12,000 to 30,000 ouguiyas (\$333 to \$833). Nevertheless, authorities seldom applied the law, since the accompanying implementing law remained provisional.

On February 11, the Ministry of Social Affairs, Childhood, and Family confirmed that more than 2,000 traditional health providers publicly abandoned the practice of FGM/C in the areas of the Hodh El Chargui, Braknah, Gorgol, and Taghant.

Other Harmful Traditional Practices: Traditional forms of mistreatment of women continued to decline. One of these was the forced feeding of adolescent girls prior to marriage, practiced by some Beydane families and known as “gavage.”

Sexual Harassment: There are no laws against sexual harassment. Women’s NGOs reported that sexual harassment was a common problem in the workplace.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have legal rights to property and child custody, and the more educated and urbanized members of the female population were more likely to enjoy these rights. Nevertheless, women in general had fewer legal rights than men.

Additionally, women faced other forms of legal discrimination. According to sharia as applied in the country, the testimony of two women was required to equal that of one man. The courts granted only one-half as large an indemnity to the family of a female victim as that accorded to the family of a male victim. The personal status code provides a framework for the consistent application of secular law and sharia-based family law, but judicial officials did not always respect it.

Children

Birth Registration: By law a person derives citizenship from one’s father. One can derive citizenship from one’s mother under either of the following conditions: if the mother is a citizen and the father’s nationality is unknown or he is stateless, or if the child was born in the country to a citizen mother and the child repudiates the father’s nationality a year before reaching majority. Children born abroad to citizen mothers and foreign men can acquire citizenship one year before reaching the majority age of 18. Minor children of parents who are naturalized citizens are also eligible for citizenship.

The process of registering a child and subsequently receiving a birth certificate was reportedly difficult. Failure to register could result in denial of some public services, such as education.

Education: The law mandates six years of school attendance for all children, but the law was not effectively enforced. Many children, particularly girls, did not attend school for the mandatory six years. Children of lower castes from both Haratine and sub-Saharan families often did not receive any formal education.

Early and Forced Marriage: The legal marriage age is 18, but authorities rarely enforced the law, and child marriage was widespread. Since consensual sex outside of marriage is illegal, a legal guardian can ask local authorities to permit a girl younger than 18 to marry. Local authorities frequently granted permission. Nevertheless, the government continued to work with UNICEF to implement a program to combat child marriage through a series of judicial and political reforms.

According to UNICEF, in 2017, 37 percent of girls were married before the age of 18, and 14 percent were married before the age of 15.

Sexual Exploitation of Children: The law prohibits sexual relations with a child younger than 18, with penalties of six months to two years in prison and a 12,000- to 18,000-ouguiya (\$333 to \$500) fine. Possession of child pornography is illegal, with penalties of two months to one year in prison and a fine of 16,000 to 30,000 ouguiyas (\$444 to \$833). Commercial sexual exploitation of children is illegal, and conviction carries penalties of five to 10 years in prison and a fine of 500,000 to one million ouguiyas (\$13,890 to \$27,780). NGOs asserted the laws were not properly enforced.

Displaced Children: On May 22, the minister of social affairs, childhood, and family stated more than 16,000 children needed protection, including children without civil documentation, uneducated children, and victims of child labor. The minister announced the creation of 10 regional groups and 30 municipal child protection systems to coordinate efforts at combatting the problem.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

A very small number of foreigners practiced Judaism. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law provides for access to information and communication, and to existing public buildings through retrofitting and future buildings through amendments to the building code. Authorities did not enforce the law, and persons with disabilities generally did not have access to buildings, information, and communications.

On August 22, the new cabinet agreed on the need to improve distribution of a disability card for person living with disabilities, the creation and dissemination of which is administered by the Ministry of Social Affairs, Childhood, and Family. The card identifies persons with disabilities and records the type and degree of their disability. It also facilitates their access to public health facilities and private clinics and reduces transportation fares.

National/Racial/Ethnic Minorities

Haratine and sub-Saharan ethnic groups faced governmental discrimination while the Beydane ethnic group received governmental preference. For example individuals living in the Western Sahara (who are of Beydane ethnicity) easily obtained national identity cards required to vote, although they were not legally qualified to do so because they were not citizens. Meanwhile, Haratine (Arab slave descendants) and sub-Saharan (non-Arab) citizens often had great difficulty obtaining national identity documents.

Racial and cultural tension and discrimination also arose from the geographic, linguistic, and cultural divides between Moors (Beydane and Haratine) who—while historically representing a mix of Berber, Arab, and sub-Saharan Africans—today largely identify culturally and linguistically as Arab, and the sub-Saharan non-Arab minorities. Historically, the Beydane (“White Moors”) enslaved the Haratine population (“Black Moors”); some hereditary slavery continued, and Haratines continued to suffer from the legacy of centuries of slavery (see section 7.b.). Beydane tribes and clans dominated positions in government and business that far exceeded their proportion of the population. As a group the Haratines remained politically and economically weaker than the Beydane, although they represented the largest ethnocultural group in the country. The various sub-Saharan ethnic groups, along with the Haratines, remained underrepresented in leadership positions in government,

industry, and the military (see section 3). There was some increase in the representation of Haratines and sub-Saharanans in leadership positions with the appointment of a new government in August.

The constitution designates Arabic the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages. The government continued to encourage French and Arabic bilingualism in the educational system.

According to human rights activists and press reports, local authorities continued to allow influential Beydane to appropriate land formerly occupied by Haratines and sub-Saharanans, to occupy property unlawfully taken from sub-Saharanans by former governments, and to obstruct access to water and pasturage.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws protect lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons from discrimination. Under sharia as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a fine of 500 to 6,000 ouguiyas (\$14 to \$166). The LGBTI community was rarely identified or discussed, which observers attributed to the severity of the stigma and the legal penalties attached to such labels.

According to the latest report by the LGBTI Nouakchott Group of Solidarity Association (issued in 2017), the rights of LGBTI persons are not recognized and therefore not protected. LGBTI persons lived in perpetual fear of being driven out by their families and rejected by society in general. As a result they did not attend or participate in public activities due to fears of retribution and violence. According to available information, arrests on the basis of sexual orientation or gender identity were not reported, but there were cases where LGBTI persons were arrested and detained for other reasons, such as irregular immigration.

HIV and AIDS Social Stigma

Persons infected with HIV/AIDS were often isolated due to societal taboos and prejudice associated with the disease but were gradually becoming more accepted within society and by the government. These individuals were often involved in the implementation of state programs to combat infectious diseases, HIV/AIDS, malaria, and tuberculosis.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers, except members of police, armed forces, and foreign and migrant workers, to form and join independent unions of their choice at local and national levels and provides for the right to conduct legal strikes and to bargain collectively. Other provisions and laws severely restrict or excessively regulate these rights. The government did not effectively enforce applicable laws, and penalties were not sufficient to deter violations.

Prior authorization or approval by authorities is required before a union may be recognized. The public prosecutor must authorize all trade unions before they enjoy legal status. The public prosecutor may provisionally suspend a trade union at the request of the Ministry of Interior and Decentralization if ministry officials believe the union has not complied with the law. The law also provides that authorities may initiate legal proceedings against union leaders who undermine public order or make false statements. This law, in effect, authorizes administrative authorities to dissolve, suspend, or deregister trade union organizations by unilateral decision.

Noncitizens do not have the right to become trade union officials unless they have worked in the country and in the profession represented by the trade union for at least five years. Labor unions must obtain government authorization in order to hold labor elections. Despite previous promises by the government to do so, it has not authorized union elections since 2014. The government has promised to restore union elections on multiple occasions since suspending them in 2014 but has not yet done so.

Bargaining collectively at the national level requires previous authorization or approval by the president, who decides how collective bargaining is organized. No such authorization is required for collective bargaining at the company level. The minister of labor, public service, and modernization of the administration may call for bargaining among employers, employees, labor unions, and the government. In addition the ministry is entitled to take part in the preparation of collective agreements. The law provides that the meeting must occur 15 days following a statement of nonagreement between parties.

The law provides for the right to strike, except for those working in services deemed essential. Aggrieved parties must follow complex procedures before conducting a strike action. If negotiations between workers and employers fail to produce an agreement, the case is referred to the Court of Arbitration. If the court fails to broker a mutually satisfactory agreement, workers may have to wait up to four additional months from the time of the decision before they can legally strike. The government may also dissolve a union for what it considers an illegal or politically motivated strike. The law prohibits workers from holding sit-ins or blocking nonstriking workers from entering work premises. Workers must provide advance notice of at least 10 working days to the Ministry of Labor, Public Service, and Modernization of the Administration for any strike.

The government did not enforce the law effectively and did not provide adequate resources for inspections. While authorities seldom punished violators, on several occasions the government ordered the reinstatement of workers who were wrongfully terminated or directed companies to improve employee benefits and services. While antiunion discrimination is illegal, national human rights groups and unions reported authorities did not actively investigate alleged antiunion practices in some private firms.

Freedom of association and the right to collective bargaining were not fully respected, although unions exercised their right to organize workers during the year. Collective bargaining at the company level, however, was rare. Longshoremen of the Autonomous Port of Nouakchott observed a general strike in July 2018. On June 14, longshoremen occupied the central market of Nouakchott to claim the full implementation of the agreements reached during the strike the previous year. According to the Mauritanian Workers’ Free Confederation, the authorities dismissed thousands of longshoremen without giving them their rights, adding that the walkout came in response to the “arbitrary policies and decisions” taken against the carriers.

Registration and strike procedures were subject to lengthy delays and appeals. Labor ministry officials routinely issued notices calling on all parties to negotiate. Such notices legally restrict workers from striking for a period of four months. Workers and unions organized several strikes and, in an improvement over previous years, authorities only occasionally employed force to disperse them.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor, including by children. It also criminalizes the practice of slavery, which includes forced labor and child labor, and imposes penalties, both on government officials who do not take action in response to reported cases and on those who benefit from contracting forced labor. The constitution and the Law on the Criminalization of Slavery and Punishing Slave Practices makes the offense “a crime against humanity.” The antislavery law grants civil society organizations the right to file complaints in court on behalf of victims as civil parties; however, many civil society organizations reported difficulty in filing complaints on behalf of victims. The law also provides free legal assistance for victims and refers to their right to compensation. Although the government continues to take some actions towards ending the practice of slavery, including increased engagement with civil society groups after the change of administration, efforts to enforce the antislavery law were considered inadequate.

Tadamoun, the government agency charged with combating the “vestiges” of slavery, received 750 million ouguiyas (\$21 million) of public funding to underwrite infrastructure and educational programs to improve opportunities, primarily for the benefit of the Haratine community. Some national and international NGOs accused Tadamoun of corrupt practices, of not effectively targeting its funding to the Haratine community, and of doing little to facilitate the prosecution of slavery cases in the country.

On November 28, President Ghazouani announced the creation of a new institution to replace Tadamoun and intensify government efforts to combat slavery and address the social and economic conditions that have left many citizens vulnerable to forced labor. The General Delegation for National Solidarity and the Fight against Exclusion, or Taazour, has a larger budget, a broader mandate, and greater authorities than Tadamoun, with its head holding the rank of minister and reporting directly to the presidency. With a budget of 20 billion ouguiyas (\$55 million) over the next five years, Taazour is mandated to implement projects designed to improve living conditions and provide skills to members of historically marginalized communities. The institution has the authority to coordinate projects of other government agencies in order to maximize their impact. Taazour retains Tadamoun’s prior authority to file criminal cases on behalf of victims of forced labor or exploitation.

Other than Tadamoun/Taazour, the only entities that can legally file criminal cases on behalf of former slaves are registered human rights associations that have been legally operating for five years. The government continued to prevent the registration of certain antislavery organizations and

associations that work for the promotion and protection of the Haratine community; these include former slave groups that would have been able to submit complaints once their five-year probationary period had expired.

The Initiative for the Resurgence of the Abolitionist Movement (IRA), one of the most active organizations fighting slavery in the country, has been prevented from registering since its creation in 2008. The government's previous refusal to register IRA and other human rights NGOs who could have helped to file complaints on behalf of slavery victims was a contributing factor to the underutilization of the three Specialized Antislavery Courts.

In October the Nema Antislavery Court convicted five individuals across three separate cases of practicing slavery in violation of the 2007 antislavery law. The perpetrators, who are believed to reside in northern Mali, were convicted in absentia, with warrants issued for their rendition and arrest. The victims were each granted five million ouguiyas (\$140,000) in financial compensation as well as provided with civil registration documents, and the convicted perpetrators were sentenced to between five and 15 years in prison.

In March 2018 the Nouadhibou Antislavery Court adjudicated its first two slavery cases by convicting and sentencing three slaveholders. A woman was convicted of enslaving three sisters in Nouadhibou and was sentenced to 10 years' imprisonment. The woman was released two months later due to her age and health. In April 2018 the Nouakchott Antislavery Court sentenced two defendants in two separate cases to one year in prison and a fine of 25,275 ouguiyas (\$702) for the crimes of libel and slavery. The third case, in which the defendant was accused of slavery, was postponed pending a decision of the Nouakchott appeals court. The Supreme Court ultimately dismissed the case and closed the file.

Slavery and slavery-like practices, which typically flowed from ancestral master-slave relationships and involved both adults and children, continued throughout the year. Although reliable data on the total number of slaves does not exist, local and international experts agreed hereditary slavery and slavery-like conditions continued to affect a substantial portion of the population in both rural and urban settings. Enslaved persons suffered from traditional chattel slavery, including forced labor and forced sexual exploitation. Human rights groups reported that masters coerced persons in slavery and slave-like relationships to deny to human rights activists that such exploitative relationships existed.

In 2015 the government asked the International Labor Organization (ILO) for a program to assess the scope of forced labor in the country. Among other activities, the Bridge Project supports research in the country on recruitment mechanisms and employment conditions to help identify different types of employment that may involve slavery or slavery-like practices. In January the Ministry of Labor accelerated work on the Bridge Project after several months of delay and was on schedule to complete the project in September 2020.

Former slaves and their descendants remained in a dependent status vis-a-vis their former slave masters due to a variety of factors, to include cultural tradition, a lack of marketable skills, poverty, and persistent drought. Some former slaves and descendants of slaves were forced to revert to a de facto slave status by working for their former masters in exchange for some combination of lodging, food, and medical care. Some former slaves reportedly continued to work for their former masters or others under exploitative conditions to retain access to land that they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, authorities rarely enforced the law.

Former slaves in subservient circumstances were also vulnerable to mistreatment. Women with children faced particular difficulties. Because they were particularly vulnerable and lacked the resources to live independently from their former masters, they could be compelled to remain in a condition of servitude, performing domestic duties, tending fields, or herding animals without remuneration.

Some former slaves were coerced into continuing to work for their former masters, who relied on adherence to religious teachings and a fear of divine punishment to keep these individuals enslaved. Former slaves were often subjected to social discrimination and limited to performing manual labor in markets, ports, and airports.

Slavery, forced labor, and de facto slavery were more prevalent in areas where educational levels were generally low or a barter economy still prevailed, and prevalent to a lesser degree in urban centers, including Nouakchott. The practices commonly occurred where there was a need for workers to herd livestock, tend fields, and do other manual or household labor. Nevertheless, such practices also occurred in urban centers where young children, often girls, were retained as unpaid domestic servants (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The General Child Protection Code, enacted in June 2018, forbids some, but not all of, the worst forms of child labor. The labor code sets the minimum age for employment at 16. Nevertheless, it allows children as young as 12 to be employed in most forms of family enterprise with authorization from the Ministry of Labor, Public Service, and Modernization of the Administration, as long as the work does not affect the child's health, exceed two hours per day, or occur during school hours or holidays. The labor code states employed children between ages 14 and 16 should receive 70 percent of the minimum wage and those who are 17 and 18 should receive 90 percent of the minimum wage. Children should not work more than eight hours a day, should be given one or several one-hour breaks, and may not work at night. Children working in unpaid, temporary, or noncontractual work do not have the same protections under the child labor laws and regulations as do children working in contractual employment.

The Ministry of Labor, Public Service, and Modernization of the Administration authorized children as young as 13 to do work in a variety of areas, resulting in children doing hazardous work by government authorization in the areas of agriculture, fishing, construction, and garbage removal. Additionally, the government does not legally prohibit all forms of hazardous work as defined by international law.

The General Child Protection Code increases the penalties associated with violations of child labor laws and criminalizes commercial sexual exploitation of children and forced begging. It also increases the prison term for trafficking children. The penalties were generally insufficiently enforced to deter violations. The law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including domestic work and agriculture. The law prohibits the use of children for illicit activities, such as the production and trafficking of drugs.

The government did not effectively enforce the law. Existing mechanisms for exchanging information among agencies or assessing the effectiveness of child labor laws were not active during the year. There was no specific mechanism for submitting complaints, other than to labor inspectors or the Special Police Brigade for Minors. NGOs were the only organizations that handled cases of child victims, referred them to the Special Police Brigade for Minors, and pressured the government to adjudicate the cases or integrate the victims in social centers or schools during the year.

The CNDH's 2016 annual report, which had the most recent numbers available, stated that 26 percent of children between ages of 15 and 17 worked. The report indicated the proportion of children between ages of 12 and 14 who performed some work was up to 22 percent. The report also stressed that exploitation of girls was more frequent in domestic work.

An unknown number of *talibes* (religious students), nearly all from the Halpulaar community, begged in the streets and gave the proceeds to their religious teachers as payment for religious instruction. There were reliable reports that some *marabouts* (religious teachers) forced their talibes to beg for more than 12 hours a day and provided them with insufficient food and shelter. The government continued a program to reduce the number of talibes and cooperated with NGOs to provide talibes with basic medical and nutritional care.

Child labor in the informal sector was common and a significant problem, particularly within poorer urban areas. Several reports suggested girls as young as age seven, mainly from remote regions, were forced to work as unpaid domestic servants in wealthy urban homes. Young children in the countryside were commonly engaged in cattle and goat herding, cultivation of subsistence crops, fishing, and other agricultural labor in support of their families. Young children in urban areas often drove donkey carts, delivered water and building materials, and were very active in garbage collection. Street gang leaders occasionally forced children to steal, beg, and sell drugs. In keeping with longstanding tradition, many children also served apprenticeships in small-scale industries, such as metalworking, carpentry, vehicle repair, masonry, and the informal sector.

The government continued to operate seven Centers for Protection and Social Integration of Children in Difficult Situations: one in each of the regions of Kiffa, Nouadhibou, Aleg, and Rosso, and three in Nouakchott. During the year these centers hosted 614 children.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, disability, religion, political opinion, national origin, citizenship, social origin, sexual orientation or gender identity, age, or language, but the government often did not enforce the law. Discrimination in employment and occupation occurred with respect to race and language. For example, in conformity with long-standing practice, the advancement of both Haratines and sub-Saharanans in the armed services remained limited.

The law provides that men and women should receive equal pay for equal work. The two largest employers, the civil service and the state mining company, observed this law; most employers in the private sector reportedly did not. In the modern wage sector, women also received family benefits, including three months of paid maternity leave. Women faced widespread employment discrimination, because employers usually preferred to hire men, with women overrepresented in low-paying positions (see section 6).

e. Acceptable Conditions of Work

The law provides for a national minimum wage that is more than the most recent estimate for the poverty income level. The law provides that the standard legal nonagricultural workweek must not exceed either 40 hours or six days unless there is overtime compensation, which is to be paid at rates graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. The law provides that all employees must be given at least one 24-hour rest period per week. There are no legal provisions regarding compulsory overtime.

The government sets health and safety standards, and in principle workers have the right to remove themselves from hazardous conditions without risking loss of employment; however, this was rarely applied. The law applies to all workers in the formal economy, and the labor code applies to all formal workers regardless of nationality. Penalties were not sufficient to deter violations.

The Labor Office of the Ministry of Labor, Public Service, and Modernization of the Administration is responsible for enforcing labor laws but did not do so effectively. The ILO reported that a significant pay gap between staff in the labor inspectorate and staff in other government inspection departments who receive better remuneration (such as tax inspectors or education inspectors) led to attrition of personnel. The number of labor inspectors, however, was sufficient for the labor force. The ILO also reported that the labor inspectorate was subject to undue influence by employers and the government, thereby reducing the effectiveness of inspection activity.

The majority of the working population labored in the informal sector, primarily in subsistence agriculture and animal husbandry. According to the General Confederation of Mauritanian Workers (CGTM), only 25 percent of workers filled positions accorded regular pay.

Despite the law, labor unions pointed to conditions approaching forced labor in several sectors, including the food processing industry. In these sectors workers did not have contracts or receive pay stubs. Their salaries were below the official minimum wage, and they worked in unfavorable conditions. They occasionally did not receive pay for several months.

Working conditions in the fishing industry were similarly difficult. Commercial fishermen reportedly often exceeded 40 hours of work per week without receiving overtime pay. Additionally, some factory workers employed by fish-processing plants and boat manufacturers did not receive contracts guaranteeing the terms of their employment. Government inspections of fishing vessels, processing plants, and boat factories remained rare.

Violations of minimum wage or overtime laws were frequent in many sectors but more common in the informal economy, which includes domestic service, street vending, artisanal fishing, garbage collection, bus fare collection, donkey-cart driving, apprenticeship, auto repair, and other similar types of employment. According to the CGTM, the National Agency of Social Security registered 187 workplace fatalities or injuries during the year, comparable with previous years.

ecoi.net summary:

Annual report on human rights in 2019



Country:

Mauritania

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/mauritania/>

Document type:

Periodical Report

Language:

English

Published:

11 March 2020

Document ID:

2027463

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

