



General Assembly

Distr.: General
10 August 2010

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Ninth session
Geneva, 1–12 November 2010

**Summary prepared by the Office of the High Commissioner
for Human Rights in accordance with paragraph 15 (c) of the
annex to Human Rights Council resolution 5/1**

Mauritania*

The present report is a summary of eight stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Open Doors (OD) reported that Mauritania entered a reservation on article 18 of the international Covenant for Civil and Political Rights (ICCPR). While accepting the provisions concerning freedom of thought, conscience and religion, Mauritania declared that their application should be without prejudice to the Islamic Shariah.² OD added that Mauritania entered a reservation to article 30 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment.³ OD recommended that Mauritania withdraw its the reservations to the ICCPR and CAT and fully comply with its obligations.⁴
2. Amnesty International (AI) recommended that Mauritania ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵
3. The Open Society Justice Initiative (OSJI) indicated that Mauritania was a party to several international and regional treaties that provide legal standards with respect to statelessness and the right to nationality but was not a party to the Convention on the Reduction of Statelessness (1961) or the Convention Relating to the Status of Stateless Persons (1954).⁶

B. Constitutional and legislative framework

4. AI indicated that, while the Constitution contained some limited rights considered as inviolable and inalienable, its preamble reaffirms Mauritania's commitment to fundamental human rights and obligations.⁷
5. Al Karama (AK) reported that article 80 of the Constitution expressly provided for the primacy of international agreements over domestic law.⁸

C. Institutional and human rights infrastructure

6. AK reported that the National Commission on Human Rights, which was established in July 2006, did not appear to be a particularly effective or influential national institution for human rights.⁹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

Cooperation with special procedures

7. OD recommended that Mauritania invite the United Nations Special Rapporteur on freedom of religion or belief to visit the country.¹⁰ AI recommended that Mauritania extend an invitation to the United Nations Special Rapporteur on torture to visit the country and cooperate fully with him, allowing him complete freedom to visit all official and unofficial places of detention.¹¹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

8. OSJI reported that the 1961 citizenship law enshrined gender discrimination, as Mauritanian women could pass their nationality to their children only under specific circumstances: if the fathers of the children were stateless or unknown, or if the children (in addition to having a Mauritania mother) were born in the country. Similarly, while Mauritanian women could pass citizenship to their husbands, the procedure was different than that for women married to Mauritanian men.¹²

9. AK reported that any efforts to eradicate the country's deeply-rooted discriminatory culture was negatively affected by the ineffectiveness of the law on slavery and the Arab dominance of the official sector in the country. It acknowledged there had been several legislative attempts to tackle the issue of discrimination against part of the population, notably the 2003 Act to combat trafficking and the 2007 Act to criminalize and punish slavery.¹³

10. AI recommended that Mauritania establish an independent and impartial inquiry into progress over the past 20 years and consider steps directed to the complete eradication of slavery, slavery-like practices and related abuses and discrimination.¹⁴

2. Right to life, liberty and security of the person

11. AI reported that, according to official figures, there were 37 prisoners under sentence of death in 2008 held together with other prisoners in six prisons. A number claimed that their trials had been unfair, asserting that they were not allowed to defend themselves properly or that they did not have a lawyer.¹⁵

12. Joint Submission 1 (JS1) reported that article 308 of the Penal Code provided that "any adult Muslim man who commits an impudent act against nature with an individual of his sex will face the penalty of death by public stoning". JS1 recommended that Mauritania be urged to impose a moratorium on the death penalty.¹⁶ AI also recommended that Mauritania commute all death sentences and progressively reduce the number of crimes punishable by death, with a view to the abolition of the death penalty.¹⁷

13. AI reported that, on a few occasions, excessive and deliberate use of force had been used by the Mauritanian authorities when their authority was challenged in the streets or in public gatherings. AI provided a few examples which occurred between November 2008 and June 2009.¹⁸

14. AI reported that it gathered information confirming the regular use of torture by the security forces against individuals detained for political reasons or for ordinary crimes.¹⁹

15. AK reported that those arrested for political reasons were often tortured in unofficial places of detention during police custody, and had no possibility of contact with the outside world. The aim of torture was to obtain confessions or evidence to arrest more suspects. Preliminary investigations by police were often launched on the basis of confessions extracted through coercion.²⁰ AI provided details on locations, where people were tortured and on means used for torture.²¹

16. AK added that domestic law contained no specific provision penalizing torture, although the code of criminal procedure noted in its introductory article that "confessions obtained through torture, violence or coercion have no value." Article 180 of the Penal Code provided that if a public official used or ordered the use of violence in the exercise of his duties, "he will be punished according to the nature and severity of such violence." It was not known, however, whether any public official had been prosecuted for torture.²² AK provided examples of the use of torture.²³

17. AK recommended that Mauritania end torture and inhuman and degrading treatment, investigate allegations of torture, prosecute and convict those responsible for these acts and compensate victims, incorporate the crime of torture into domestic law as defined by the article 1 of the Convention against Torture and impose appropriate penalties to punish offenders.²⁴

18. AK made reference to the wave of arrests, which affected dozens of people including opposition politicians, particularly members of the Reform Movement, in 2005. In addition to being held incommunicado for some time and tortured, these detainees were not released before July 2006 for some of them and July 2007 for the others. Indeed, the General Prosecutor of the Court of Nouakchott opposed their release by introducing an appeal in the Court of Cassation to an order which had been confirmed by the *Chambre d'accusation* (Magistrates' Court) despite the fact that in domestic law a decision of the *Chambre d'accusation* cannot be subject to appeal.²⁵ AI reported on other specific cases of arbitrary arrests and detention.²⁶

19. AK recommended that Mauritania prohibit the use of incommunicado detention and release those detained illegally or in violation of rules of criminal procedure.²⁷

20. AK reported that the situation in prisons was disturbing, as buildings were overcrowded and dirty, and cramped cells were not properly ventilated. Detainees lacked food and health care, and were regularly abused. Even the new prison in Dar Naim, inaugurated in 2007, now contained 1000 prisoners, although it was designed to hold 300 inmates.²⁸ AI reported that around 30 prisoners with mental health problems in Dar Naïm prison had no medical care.²⁹

21. AI noted a complete lack of control of prison life by the judicial authorities, as all personnel responsible for guarding remand and convicted prisoners were on secondment from the Ministry of Interior and therefore not answerable to the Ministry of Justice.³⁰

22. AI recommended that Mauritania apply international standards on the treatment of prisoners and conditions of detention.³¹ AK recommended that Mauritania bring all the country's places of detention under the control of the judicial authorities, and implement a system of independent control over all prisons, ensuring that inmates enjoy humane conditions of detention.³²

23. Society for Threatened People (STP) reported that, in August 2007, an anti-slavery bill was approved by the Government and serious efforts were made to assist remaining slaves to obtain freedom.³³ AI made reference to various cases of slavery, which had been reported from 2006 to 2008.³⁴ AK recommended that Mauritania ensure the effective implementation of all laws relating to the abolition of slavery and the suppression of human trafficking.³⁵

24. Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment was lawful in all settings and in the penal system. A 2009 fatwa was issued against corporal punishment of children, but it remained unclear whether it applied to all degrees of corporal punishment or was limited to "excessive" corporal punishment. GIEACPC recommended that Mauritania enact and implement legislation to ensure complete prohibition of corporal punishment.³⁶

3. Administration of justice and the rule of law

25. AK indicated that the provisions of the Code of Criminal Procedure relating to custody and preventive detention were not respected and that custody could last weeks, during which the person could not be visited by their family or a lawyer; or examined by a doctor.³⁷ AI recommended that Mauritania ensure that all detainees can contact their family,

a lawyer and doctor without delay after their arrest and regularly throughout the period of their detention or imprisonment.³⁸

4. Right to privacy, marriage and family life

26. JS1 reported that Mauritania maintained criminal sanctions against sexual activity between consenting adults, as provided for in articles 306(1) and 308 of the Penal Code. JS1 recommended that Mauritania be urged to repeal all provisions which criminalize sexual activity between consenting adults.³⁹

5. Freedom of religion or belief, expression, association and peaceful assembly and right to participate in public and political life

27. OD reported that according to article 5 of the Constitution Islam is the national religion of Mauritania.⁴⁰ OD reported that non-Muslim expatriates had a certain amount of freedom to practise their religion. Expatriate Christians were allowed to gather in the few Catholic and Protestant churches. Reportedly, there was one legally recognized Protestant church for expatriates only.⁴¹

28. OD reported that Mauritanian Christians faced several forms of persecution. Mauritanian citizens were legally not allowed to renounce Islam and those who did were not legally protected and death penalty was a real possibility under Shariah. Furthermore, Muslim converts to Christianity faced high social pressure and ostracism. Due to the strong tribal society system in Mauritania, expelled Christian believers who no longer belonged to any tribe faced many difficulties.⁴²

29. OD reported that the situation of Christian minority has deteriorated in Mauritania, with incidents taking place in 2009, in particular after the murder of a Christian aid worker in June of that year.⁴³

30. OD added that the local police was reportedly responsible for the arrest and torture of 35 Mauritanian Christians and the arrest of a group of 150 Sub-Saharan Christians.⁴⁴ OD recommended that Mauritania end the practice of arbitrary detention, detention without charge, and corporal punishment without delay and to immediately release all prisoners of conscience.⁴⁵ OD further recommended that Mauritania protect the Christian minority and other religious minorities by fostering a climate of religious tolerance and respect.⁴⁶

31. Reporters without Borders (RWB) indicated that media freedom has radically improved since the August 2005 military coup. Censorship and bureaucratic obstacles to newspaper publication ended and the broadcasting of Radio France Internationale was again permitted.⁴⁷ RWB recommended that Mauritania promulgate a decree implementing the law on broadcasting. RWB added that the cost of broadcast frequencies should be low, so as to allow the more modest kind of radio and TV stations, including community stations to exist.⁴⁸

32. RWB made reference to the imprisonment, in June 2009, of Hanevy Ould Dehah, editor of the website *Taqadoumy* for supposedly “undermining good morals.” RWB added that he was arbitrarily kept in prison after serving his six-month sentence, then retried and convicted before being pardoned by the President after being held for eight months in all.⁴⁹ AK submitted this case to the Working Group on Arbitrary Detention.⁵⁰ RWB recommended that Mauritania add a chapter to the media law on new media, so that online journalists are protected from the Criminal Code’s harsher provisions.⁵¹

33. RWB reported that since 2005, newspapers had flourished, but sensationalist newspapers dominated the press. RWB recommended that Mauritania ensure respect for simple, standard criteria for the registration of print media and the accreditation of journalists.⁵²

34. STP reported on the specific case of the Mr. Biram Ould Dah Ould Abeid, a well-known leading representative of the human rights organization “SOS Slaves”, against whom a campaign of intimidation and threats had been launched since his participation at a conference abroad on “Slavery in Muslim countries” in February 2009.⁵³

35. STP reported that, in April 2009, two demonstrations organized by political parties and human rights organizations denouncing the 2009 presidential elections were violently repressed. The President of “SOS Slaves” was severely beaten by four police officers during a public protest.⁵⁴

6. Migrants, refugees and asylum-seekers

36. OSJI reported that, in 1989, Mauritania forcibly expelled tens of thousands of black Mauritians into neighboring countries, confiscating or destroying identity documents in order to prevent the possibility of return and rendering those expelled effectively stateless.⁵⁵ The current repatriation exercise, which began in January 2008, included re-issuing of Mauritania identification cards to all returnees and was governed by a tri-partite agreement between Mauritania, the UN High Commissioner for Refugees and a third country.⁵⁶

37. OSJI noted the progress made by this process but highlighted that there had been delays in the reissuance of documents and that those, particularly women, who returned to Mauritania prior to the entry into force of the tri-partite agreement, were not eligible to participate in the process of restoration of identity cards. In addition, OSJI expressed concern that individuals may not be able to obtain certificates of nationality readily when they are needed.⁵⁷ OSJI recommended that Mauritania speed the process of issuing identity documents to all individuals, their spouses and descendants of individuals who were expelled in the events of 1989 and ensure that expellees who returned prior to the current repatriation exercise were also able to obtain identity cards.⁵⁸

38. OSJI reported that some other 10,000 Mauritians were living in a third country as a result of the 1989 events and recommended that Mauritania extend the repatriation exercise and restoration of nationality to these individuals.⁵⁹

39. AK reported that, due to heavy pressure from third countries, Mauritania took repressive measures against people travelling through the country to stem the influx of migrants to the North. Nationals from neighbouring countries, who can in principle reside and travel freely in the country without visas, were often abused, detained and ultimately deported by Mauritanian authorities. Additionally, many migrants reported that they had been subjected to severe deprivation and abuse by Mauritanian guards. In fact, the authorities illegally punished any attempt to leave the territory of Mauritania.⁶⁰ AI reported that while the number of people arrested and detained in the Nouadhibou detention centre, while allegedly trying to reach Europe had slightly decreased, in 2009 more than 1,750 people suspected of trying to migrate to Europe were arbitrarily arrested and detained for a few days before being expelled to neighbouring countries.⁶¹

40. AI recommended that Mauritania protect the rights of migrants and asylum-seekers, including their rights to liberty and freedom from arbitrary detention; to protection against torture or other ill-treatment; to access to a fair and satisfactory asylum procedure and to protection from return to a country or territory where he or she would be at risk of serious human rights violations.⁶²

7. Human rights and counter-terrorism

41. AI reported that, since 2007, scores of people, mostly suspected of being Islamist activists, had been arrested and accused of links to al-Qa’ida or other terrorist organizations. AI indicated that many detainees had been held incommunicado.⁶³

42. AK reported that a new anti-terrorist law was adopted in January 2010 by the Parliament. This was very controversial and nearly one third of MPs, from both the opposition and the presidential party, filed an appeal before the Constitutional Council. A dozen articles were deemed contrary to the Constitution, in particular Articles 3, 4 and 5 which defined terrorism in terms that criminalized a long list of activities; article 21, which provided for capital punishment; Article 22 relating to minors; Article 28 concerning the period of preventive custody, which it planned to raise to 15 working days instead of 48 hours, renewable under certain circumstances; or the legal impossibility of challenging the *procès verbal* (minutes) of the judicial police, except in cases of suspected forgery.⁶⁴ AK recommended that Mauritania endorse the Constitutional council's rejection of provisions contrary to the Constitution which were introduced in the antiterrorism bill.⁶⁵

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.).

Civil society

AK	Al Karama, Geneva, Switzerland;
AI	Amnesty International, London, United Kingdom*;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
JS1	International Lesbian and Gay Association (ILGA); ILGA-Europe* ; International Gay and Lesbian Human Rights Commission* ; ARC International; Geneva, Switzerland, joint submission;
OD	Open Doors international, Harderwijk, The Netherlands;
OSJI	Open Society Justice Initiative, New York, United States;
RWB	Reporters without borders, Paris, France* ;
STP	Society for Threatened People, Göttingen, Germany* .

² OD, p. 2.

³ OD, p. 2.

⁴ OD, p. 3.

⁵ AI, p. 8.

⁶ OSJI, p. 3, para. 3.

⁷ AI, p. 3.

⁸ AK, p. 3.

⁹ AK, p. 3.

¹⁰ OD, p. 4.

¹¹ AI, p. 8.

¹² OSJI, p. 3, paras. 6–8.

- ¹³ AK, p. 6.
- ¹⁴ AI, p. 8.
- ¹⁵ AI, p. 7.
- ¹⁶ JS1, pp. 1–2.
- ¹⁷ AI, p. 8.
- ¹⁸ AI, pp. 5–6.
- ¹⁹ AI, p. 3.
- ²⁰ AK, p. 5; see also AI, pp. 3–4.
- ²¹ AI, p. 4.
- ²² AK, p. 5.
- ²³ AK, p. 5.
- ²⁴ AK, p. 6; see also AI, p. 7.
- ²⁵ AK, p. 4.
- ²⁶ AI, p. 4.
- ²⁷ AK, p. 6.
- ²⁸ AK, p. 5; see also AI, p. 5.
- ²⁹ AI, p. 5.
- ³⁰ AI, p. 5.
- ³¹ AI, p. 8.
- ³² AK, p. 6; see also, AI p. 8.
- ³³ STP, p. 2.
- ³⁴ AI, p. 6.
- ³⁵ AK, p. 6; see also AI, p. 7.
- ³⁶ GIEACPC, p. 2.
- ³⁷ AK, pp. 3–4.
- ³⁸ AI, p. 8.
- ³⁹ JS1, pp. 1–2.
- ⁴⁰ OD, p. 1.
- ⁴¹ OD, p. 2.
- ⁴² OD, p. 2.
- ⁴³ OD, pp. 2–3.
- ⁴⁴ OD, p. 3.
- ⁴⁵ OD, p. 3.
- ⁴⁶ OD, p. 4.
- ⁴⁷ RWB, p. 1.
- ⁴⁸ RWB, p. 2.
- ⁴⁹ RWB, p. 1; see also STP, p. 1.
- ⁵⁰ AK, p. 4.
- ⁵¹ RWB, p. 2.
- ⁵² RWB, p. 2.
- ⁵³ STP, p. 2.
- ⁵⁴ STP, p. 1.
- ⁵⁵ OSJI, p. 2, para. 2.
- ⁵⁶ OSJI, p. 3, para. 9.
- ⁵⁷ OSJI, p. 3, paras. 9–11.
- ⁵⁸ OSJI, p. 4, para. 12.
- ⁵⁹ OSJI, p. 4, paras. 12–13.
- ⁶⁰ AK, p. 4; see also AI, p. 6.
- ⁶¹ AI, p. 6.
- ⁶² AI, p. 8.
- ⁶³ AI, p. 4.
- ⁶⁴ AK, p. 3.
- ⁶⁵ AK, p. 6.