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Mauritania

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. 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), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/ reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	13 December 1988	None	Individual complaints (art. 14): No
ICESCR	17 November 2004	None	-
ICCPR	17 November 2004	Reservations (arts. 18, 23.4): Yes	Inter-State complaints (art. 41): No
CEDAW	10 May 2001	Reservation (general): Yes	-
CAT	17 November 2004	Reservation (art. 30.1): Yes	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): No
CRC	16 May 1991	Reservation (general): ³ Yes	-
OP-CRC-SC	23 April 2007	None	-
ICRMW	22 January 2007	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
<i>Treaties to which Mauritania is not a party: OP-ICESCR,⁴ ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, OP-CAT, OP-CRC-AC, CRPD, CRPD-OP, CED.</i>			

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁵	Yes
Refugees and stateless persons ⁶	Yes, except 1954 and 1961 Stateless Persons Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷	Yes, except APIII
ILO fundamental conventions ⁸	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2009, the Committee on the Rights of the Child (CRC) recommended that Mauritania consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol,⁹ and the Convention relating to the Status of Stateless Persons of 1954.¹⁰ It also recommended that Mauritania ratify the Optional Protocol on the involvement of children in armed conflict and the Rome Statute of the International Criminal Court.¹¹

2. In 2007, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) encouraged Mauritania to ratify the Optional Protocol to the Convention, and accept the amendment to article 20 on the Committee's meeting time.¹² It also expressed its concern that the reservation to the Convention was drawn so widely that it was contrary to the object and purpose of the Convention, and urged the State party to complete the process of withdrawal.¹³

3. In 2008, the Working Group on arbitrary detention encouraged Mauritania to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁴
4. In 2004, the Committee on the Elimination of Racial Discrimination (CERD) recommended that Mauritania ratify the amendment to article 8¹⁵ and consider making the declaration provided for in article 14 of the Convention on individual complaints.¹⁶

B. Constitutional and legislative framework

5. On 6 August 2008, the Secretary-General deeply regretted the overthrow of the Government of President Sidi Mohamed Ould Chiekh Abdallahi that same day. He noted that the Government had been elected in a multiparty democratic election in June 2007 and called for respect for the rule of law and the immediate restoration of constitutional order.¹⁷ On 4 June 2009, the Secretary-General welcomed the signing of the agreement between the Mauritanian parties, which he considered constituted a solid basis for a return to constitutional order and the consolidation of democracy.¹⁸
6. In its report on its visit to Mauritania, the Working Group on Arbitrary Detention expressed the hope that the country would soon return to a process of democratization, with full respect for civil and political rights.¹⁹
7. UNICEF noted that Mauritania had made progress in aligning its national legislation with international human rights standards, through the passage of laws that promote the situation of human rights in the country, and the ratification of several international and regional treaties.²⁰
8. The Working Group on Arbitrary Detention reported that the Mauritanian legal and judicial system is formally founded on the rules and standards of sharia. CRC²¹ and UNICEF²² made similar comments. The legal framework governing detention had certain shortcomings in terms of compliance with international principles and standards, particularly with regard to proof and prohibition of sex-based discrimination.²³
9. CEDAW recommended that the State incorporate in its legislation a definition of discrimination against women in line with the Convention.²⁴
10. In 2008, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance advised Mauritania to incorporate specific provisions on racial and ethnic discrimination in its criminal code and adopt comprehensive legislation against all forms of discrimination, in conformity with ICERD.²⁵ CERD made a similar recommendation.²⁶
11. The Special Rapporteur on contemporary forms of slavery²⁷ and the Special Rapporteur on racism²⁸ commended the adoption in 2007 of a law criminalizing slavery and slavery-like practices, and the stated will of the authorities to implement it. The Special Rapporteur on racism reported that representatives of civil society had expressed concern to him about certain omissions in the legislation that would prevent the effective eradication of slavery. These included the fact that it was impossible for victims to take civil proceedings for reparation or compensation, and that the Act does not address some slavery-like practices.²⁹
12. CRC recommended that Mauritania consider adopting a comprehensive children's code, incorporating the provisions of the Convention.³⁰
13. CRC noted that the minimum legal age for military recruitment was 18, but regretted that the Ministry of Defence has the discretion to lower it to 16.³¹

C. Institutional and human rights infrastructure

14. The Mauritanian Human Rights Commission was accredited, in 2009, with “B” status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC).³²

15. In June 2008, a joint evaluation of the needs of the Mauritanian Human Rights Commission was conducted by OHCHR and the *Association francophone des Commissions nationales de promotion et de protection des droits de l’Homme* (AFCNDH). The evaluation proposed recommendations aimed at strengthening the Commission.³³

16. The Special Rapporteur on racism recommended the establishment, within the National Human Rights Commission, of an independent commission with a mandate to prepare a paper on the forms of discrimination in Mauritanian society.³⁴

17. CEDAW recommended that the State strengthen the institutional machinery for the advancement of women by defining its mandates and responsibilities and by providing it with sufficient resources.³⁵

18. UNICEF acknowledged that the creation in 2007 of a ministry on Children, Women’s Affairs and the Family was positive. However, its weak capacities undermine coordination efforts.³⁶

D. Policy measures

19. In 2007, CEDAW recommended that Mauritania further develop a comprehensive operational plan for the promotion of gender equality and advancement of women, containing clear goals and timetables, as well as mechanisms for monitoring.³⁷

20. CRC welcomed the National Plan for the Promotion of Human Rights, but regretted that a comprehensive plan of action for children had not been adopted.³⁸ In 2007, CEDAW welcomed the introduction of a 20 per cent quota for women in the lists of candidates for municipal and parliamentary elections.³⁹

21. UNICEF indicated that the Poverty Reduction Strategy Paper (PRSP) (2006–2010) gives clear priority to health policies and programmes, but that the allocation to essential social services remains largely insufficient and does not respect international commitments.⁴⁰

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body⁴¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	August 2004	-	Eighth, ninth and tenth reports overdue since 2008
CESCR	-	-	-	Initial report submitted in 2009

<i>Treaty body⁴¹</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
HR Committee	-	-	-	Initial report overdue since 2006
CEDAW	2005	May 2007	-	Second and third reports due in 2010
CAT	-	-	-	Initial report overdue since 2005
CRC	2007	June 2009	-	Combined third, fourth and fifth report due in 2013
OP-CRC-SC	-	-	-	Initial report due in 2009
CMW	-	-	-	Initial report overdue since 2008

22. CRC was concerned that recommendations regarding legal reform, the national plan of action, resources allocation, birth registration, harmful traditional practices, child labour and juvenile justice had not been followed up sufficiently.⁴²

23. CRC invited Mauritania to submit an updated core document in accordance with the harmonized guidelines approved by treaty bodies in 2006.⁴³

24. CERD invited the State to comply with the deadline set for the submission of its next reports.⁴⁴

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (20–24 January 2008); ⁴⁵ Working Group on arbitrary detention (19 February–3 March 2008); ⁴⁶ Special Rapporteur on contemporary forms of slavery, including its causes and consequences (24 October–4 November 2009). ⁴⁷
<i>Visits agreed upon in principle</i>	Special Rapporteur on freedom of religion or belief; Special Rapporteur on the human rights of migrants.
<i>Visits requested and not yet agreed upon</i>	-
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on racism ⁴⁸ and the Working Group on arbitrary detention ⁴⁹ thanked the Government of Mauritania for inviting them and for the facilities placed at their disposal during the visits.
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review (January 2006–July 2010), a total of 10 communications were sent. The Government replied to 8 communications.
<i>Responses to questionnaires on thematic issues⁵⁰</i>	Mauritania responded to 1 of the 23 questionnaires sent by special procedures mandate holders within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

25. On 22 September 2009, an agreement was signed by OHCHR with the Government of Mauritania authorizing the establishment of a country office in Mauritania. Preparations for its establishment have begun.⁵¹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

26. CEDAW was concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, polygamy, female genital mutilation and forced feeding that discriminate against women.⁵² It urged the State to be more proactive in eliminating these practices⁵³ and recommended the use of temporary special measures to achieve substantive equality for women.⁵⁴

27. CEDAW expressed concern that the Personal Status Code contained provisions which can discriminate against married women, in particular in respect of the management of property as well as the continuing legality of polygamy and repudiation.⁵⁵

28. CEDAW noted that certain provisions of the Mauritanian Nationality Code continue to discriminate against Mauritanian women, and called for its amendment.⁵⁶

29. UNICEF noted the institutional and judicial progress for the protection of women and children achieved over the past decade. The number of national and civil society institutions providing care and protection to women and children has increased, but much work remains to be done.⁵⁷

30. The Special Rapporteur on racism pointed out that while there are no legal or State-approved manifestations of racism in the country, Mauritanian society is still deeply marked by discriminatory practices that are ethnic and racial in nature and rooted in tradition, such as the role of traditional slavery, the caste system, the racial and ethnic paradigm in State institutions, and the use of ethnicity as a political tool.⁵⁸

31. The Special Rapporteur underscored the overlap in Mauritanian society between the distribution of socio-economic marginalization and marginalization of ethnic groups and communities. The increasing concentration of black Africans in particularly deprived neighbourhoods and their prevalence in the main prison in Mauritania illustrate that situation.⁵⁹

32. The Special Rapporteur also noted that the black communities were frustrated at their lack of representation in political circles, security forces, business and the media. This underrepresentation is exacerbated by Arab-Berber officials who depict Mauritania as an Arab country, without mentioning its African roots. The Special Rapporteur pointed out that the Pulaar, Soninke, and Harratin communities, are discriminated against and suffer from social marginalization.⁶⁰ CERD expressed similar concerns.⁶¹

33. UNICEF stated that despite the legal recognition of the principle of non-discrimination, many children still suffer discrimination and abuse in relation to identity, receipt of social services and social protection (newborns, abandoned children, street children, domestic girls, beggar children, disabled children).⁶² CRC raised similar concerns.⁶³

34. CRC recommended that Mauritania take all necessary measures to continue raising awareness of children with disabilities in order to change prevailing prejudices against children.⁶⁴

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

35. On 21 December 2008, the Secretary-General of the United Nations welcomed reports that President Sidi Ould Cheikh Abdallahi had been released from house arrest and that other restrictions, imposed on him since he was deposed, had been removed.⁶⁵

36. In 2008, The Working Group on Arbitrary Detention reported that the number of persons deprived of their liberty was not very high in Mauritania. It welcomed the information it had received that some non-punitive mechanisms existed and were used to deal with offences under the Criminal Code.⁶⁶

37. The Working Group also welcomed the transfer of supervision of penitentiaries to the Ministry of Justice, but considered this insufficient, as the day-to-day management remained under the authority of the Ministry of the Interior.⁶⁷

38. UNICEF stated that female genital mutilation (FGM) is a widespread and deeply rooted practice in Mauritania. A national strategy and a plan of action for FGM abandonment were adopted in 2007. The overall FGM rate has changed little in the past few years remaining at around 72 per cent. Yet, a survey carried out in targeted regions show an encouraging trend with 77.3 per cent of the 84,038 persons surveyed favourably inclined to abandon the practice.⁶⁸ CRC made similar remarks.⁶⁹

39. CRC was concerned that girls continue to be subjected to force feeding (*gavage*).⁷⁰ The Committee recommended that a comprehensive and effective preventive strategy against harmful traditional practices, including FGM, early marriage and *gavage*, be developed in consultation with civil society.⁷¹ CEDAW⁷² and CERD⁷³ made similar remarks. CEDAW urged the State to place the highest priority on implementing a comprehensive approach to address all forms of violence against women⁷⁴ and to devise programmes for alternate sources of income for those who perform FGM as a means of livelihood.⁷⁵

40. While welcoming the fact that corporal punishment, which is permitted under the Criminal Code, was no longer practised, the Working Group on arbitrary detention emphasized that it should be replaced by clearly defined prison sentences.⁷⁶ It recommended that the Government amend the relevant legislation to ensure that the prohibition of discrimination against women is respected, and to ensure that women who are the victims of acts of violence are not accused of adultery if they file complaints against the perpetrators.⁷⁷

41. CRC noted that the crime of rape has not been clearly defined in domestic legislation and that female victims are criminalized according to sharia law.⁷⁸ The Committee recommended that the State ensure that sexual crimes are clearly defined in legislation, including sharia, as well train professionals to investigate reported violations in a child-sensitive manner, avoiding stigmatization of the victims, and implement a comprehensive policy for the prevention, recovery and social reintegration of child victims.⁷⁹

42. At the end of her visit to Mauritania (24 October to 4 November 2009), the Special Rapporteur on contemporary forms of slavery noted that the Government and civil society organizations have taken significant steps to combat slavery, but a more holistic approach addressing all forms of discrimination together with poverty, at all levels of the society, is required. She added that unaddressed slavery in all its forms may be an obstacle to the future of Mauritania. She recommended that a national strategy on slavery be developed by all the relevant stakeholders.⁸⁰

43. CRC was concerned at the lack of effective implementation of the Act criminalizing slavery and highlighted reports indicating the continued existence of caste-based slavery, which had a particular impact on girls in domestic service and boys forced to beg by *marabouts*. It remarked on the absence of services to liberate and reintegrate child victims of slavery into society and the lack of measures to educate the public about traditional slavery practices in general.⁸¹ CERD made similar statements in 2004.⁸²

44. CEDAW noted the persistence of trafficking and exploitation of women and girls,⁸³ and requested the State to accelerate the implementation and enforcement of its legislation on the suppression of trafficking and the prohibition of forced labour.⁸⁴ CRC was concerned at reports of the sale of children — boys to work as jockeys, and young girls as brides — to the Middle East.⁸⁵

45. CRC was concerned at information of widespread child labour, in particular in the agricultural sector. The Committee regretted the lack of clarity regarding the minimum age of employment in the State.⁸⁶ It urged the State to ensure that national legislation complied with ILO Conventions 138 and 182, and reiterated its recommendation to set 16 years as the minimum age for both the end of compulsory education and the age of admission to employment.⁸⁷

46. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations urged Mauritania to take the necessary measures to ensure the prohibition and elimination of the use, procuring or offering of children under 18 for illicit activities, in particular the production and trafficking of drugs, in accordance with the ILO Worst Forms of Child Labour Convention (No. 182).⁸⁸

47. UNICEF noted that corporal punishment is widely practised in public and private spheres. While the Government attempted to tackle the phenomenon of violence against children, action was largely insufficient. The role of civil society is still weak. UNICEF, in partnership with Imams Network, carried out a religious study, and an edict (*fatwa*) was issued to use its recommendations as an advocacy tool to end corporal punishment.⁸⁹

48. CRC was concerned that the Penal Code provided for corporal punishment, including whipping and amputation of limbs of children, and that corporal punishment was still widely practised in schools and the family.⁹⁰

49. CRC recommended that Mauritania take all necessary measures to prevent child abuse and neglect, establish effective mechanisms to investigate reports of child abuse, prosecute perpetrators in a manner that is child-sensitive and that ensures the privacy of the victims, provide child victims with the necessary support, carry out public education campaigns, and adopt a national plan of action.⁹¹

3. Administration of justice and the rule of law

50. The Working Group on arbitrary detention received testimonies that the judiciary is not representative of the country's population in terms of ethnic or social origin, language or gender. Additional efforts appear to be needed to bring members of all population groups, and women into the judiciary.⁹² It recommended that the Government support bilingualism, or even multilingualism, in the field of criminal justice.⁹³

51. CRC was concerned that the age of criminal responsibility at 7 years is too low, and at the lack of adequate facilities for the detention of juveniles.⁹⁴ The Committee recommended that the State introduce a dedicated juvenile justice system, raise the age of criminal responsibility to 12, provide children with adequate legal assistance, ensure that detention and institutionalization are last resort measures, and that children remain separated from adults.⁹⁵

52. The Working Group on arbitrary detention was concerned that during police custody, detainees are not brought before a prosecutor and have no opportunity to challenge the legality of their detention. The Working Group received allegations that abuse of authority, torture and ill-treatment were commonplace, and detainees were often forced to admit to the charges brought against them.⁹⁶

53. CEDAW requested the State to remove the impediments that women may face in gaining access to justice, and ensure that the judiciary is familiar with the Convention.⁹⁷

4. Right to marriage and family life

54. CRC called upon the State to abolish repudiation, discourage polygamy by applying legal and administrative measures and conducting awareness-raising campaigns, and promote monogamy as an option for couples.⁹⁸

55. While noting that legislation established the minimum age for marriage age at 18, CRC was concerned that girls could be married before age 18 at the discretion of a judge.⁹⁹ The Committee recommended that the State take all measures to ensure that the de facto age for marriage is 18, and that girls and boys are treated equally under the law.¹⁰⁰

56. UNICEF indicated that Mauritania, in partnership with the United Nations and civil society, has carried out birth registration campaigns targeting rural communities. Nevertheless, these campaigns did not achieve desired results, mainly due to mismanagement, remoteness of communities and lack of awareness. There is no noticeable progress in the overall birth registration rate (56 per cent in 2007). UNICEF recommended that Mauritania reorganize the birth registration system in line with a national strategy.¹⁰¹ CRC made a similar recommendation.¹⁰²

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

57. CERD was concerned that some non-governmental human rights organizations have not received official recognition, despite their applications for such status, and recommended that the State remove all constraints on the exercise of freedom of association.¹⁰³

58. CRC noted the increasing involvement of civil society actors in the discussion, design and implementation of child-related strategies.¹⁰⁴ The Committee encouraged the State to continue its cooperation with civil society.¹⁰⁵

59. CERD was concerned at reports that Order No. 091-024 (1991), which prohibits political parties from identifying with a race, ethnic group, region, tribe or brotherhood, had sometimes been improperly applied to certain political parties, and recommended that the State guarantee respect for the freedoms of expression and association in its implementation of the Convention.¹⁰⁶

6. Right to work and to just and favourable conditions of work

60. CEDAW was concerned about women's unequal access to employment opportunities, resulting in the overrepresentation of women in the informal sector.¹⁰⁷ The Committee called upon the State to introduce specific measures to ensure equal rights for women in the area of employment and work. The Committee also called upon the State to enact legislation prohibiting sexual harassment.¹⁰⁸

61. In 2010, the ILO Committee of Experts requested Mauritania to provide information on the measures adopted to ensure that the performance of hazardous types of work by young persons between the ages of 16 and 18 is only permitted under strict conditions of protection and prior instruction, in conformity with the provisions of the ILO Minimum Age Convention (138).¹⁰⁹

7. Right to social security and to an adequate standard of living

62. UNICEF underscored the fact that the political crisis has delayed progress towards achieving the MDGs. Most donors suspended their aid to Mauritania following the 2008 coup d'état and through 2009. The lifting of the restrictions has opened up new prospects.¹¹⁰

63. The United Nations agencies in Mauritania stated that desertification and recurrent drought, two major environmental constraints, severely hamper the country's economic and social development.¹¹¹

64. They also noted that recent urbanization has led to urban sprawl and the spontaneous emergence of several neighbourhoods that lack the minimal public services needed for inhabitants' well-being (water, health centres, schools, roads, markets, housing, electricity, sanitation).¹¹²

65. The United Nations agencies in Mauritania remarked that although poverty has been declining steadily since 1990, it still affects almost half (46.7 per cent) of the country's population.¹¹³

66. UNICEF stated that poverty has become a widespread phenomenon and an urgent issue with adverse effects on children (42 per cent, Household Survey 2008). UNICEF mentioned that child beggars suffer from the most forceful manifestation of poverty. These children (called *talibes*) represent a structural problem that has emerged in the rapid urbanization over the past 20 years.¹¹⁴ CRC made similar remarks.¹¹⁵

67. The Resident Coordinator's 2008 Report stated that the impact of the worldwide rise in food prices was hard in Mauritania, which depends on food imports (70 per cent of national demand).¹¹⁶

68. WFP indicated that, according to the results of the Multiple Indicator Cluster Survey (MICS) conducted by the Ministry of Health and UNICEF in the second semester of 2007, the level of malnutrition in the country remains high. Global acute malnutrition is 12.6 per cent, with peaks exceeding 15 per cent in some regions, hinting at localized nutritional crises.¹¹⁷ CRC highlighted that chronic malnutrition remained high, affecting approximately 35 per cent of Mauritanian children.¹¹⁸ It recommended that the State pay specific attention to the urban/rural divide and target financial allocations to address the disparities in access to services.¹¹⁹

69. CEDAW called upon the State to improve the availability of sexual and reproductive health services, including family-planning services and obstetric care. The Committee recommended the implementation of a maternal and infant mortality reduction programme. It called upon the State to address teenage pregnancies and to provide medical support to those in such situations.¹²⁰ CRC made similar remarks.¹²¹

70. The ILO Committee of Experts observed that, according to the UNGASS Country Progress Report for Mauritania, published in January 2008, there are around 7,327 HIV/AIDS orphans or children under 17 who are vulnerable to HIV/AIDS in the country, none of whom have benefited from free external assistance. The Committee of Experts requested Mauritania to provide information on the specific measures adopted to protect HIV/AIDS orphans from being engaged in the worst forms of child labour.¹²²

71. CRC welcomed the information provided by the State that the fight against HIV/AIDS is a health priority, but was concerned that access to anti-retroviral treatment (ARV) and prevention of parent-to-child transmission (PPTCT) services were inadequate, and testing and counselling services were insufficient.¹²³

72. CEDAW urged the State to ensure that rural women have access to health care, education, justice, clean water, electricity, land and income-generating projects.¹²⁴

73. UNICEF mentioned that Mauritania has adopted the Accelerated Strategy for Child Survival, combining maternal, neonatal and community components.¹²⁵

8. Right to education and to participate in the cultural life of the community

74. The Resident Coordinator's 2008 Report pointed out that Mauritania had a high percentage of school enrolment and that it is higher for girls than for boys.¹²⁶ UNICEF reported that the achievement of MDG2 remains a challenge, nevertheless. Retention rates are still most worrying, although a 4 point increase from 2006/07 was noted (52.8 per cent for girls and 53.2 per cent for boys).¹²⁷ On the other hand, secondary school enrolment rates are lower than the target set by the national plan.¹²⁸

75. CRC remained concerned that free primary education was still not guaranteed for all children. It was also concerned at the high illiteracy rates, especially among girls, and regional disparities in access to education. The Committee was further concerned about the low transition rates to secondary school, large number of school dropouts, overcrowding of classrooms, insufficient number of trained teachers and school facilities, and the poor quality of education.¹²⁹

76. UNICEF mentioned that non-formal education (Koranic schools, *mahadras*) plays a major role in educating children. The Government, in partnership with the UN, has tried to reform its content and organization by introducing life skills and mathematics in the curriculum and building bridges between non-formal and formal education.¹³⁰ CRC recommended that the State ensure that Koranic schools include a curriculum comparable to and compatible with that in force in formal education, and include human rights education as part of the curriculum.¹³¹

77. CERD recommended that the State consider including national languages, such as Pulaar, Soninke and Wolof, in the education system.¹³² The Committee recommended that the State respect parents' freedom to choose the type of education they wish for their children, meeting their expectations in terms of culture and language.¹³³

9. Minorities and indigenous peoples

78. The Special Rapporteur on racism recommended that the Constitution be amended to recognize the main ethnic groups or communities in society, and their languages and cultures.¹³⁴ CERD recommended that the State take steps to preserve the Berber language.¹³⁵

10. Migrants, refugees and asylum-seekers

79. UNHCR regretted that cases of *refoulement* occurred in 2009 and that there are still insufficient safeguards against it. It also indicated that the current national Aliens Law¹³⁶ does not provide effective protection to asylum-seekers who are often confused with illegal migrants. A new draft law on foreigners and asylum is under discussion in the Parliament.¹³⁷

80. The Working Group on arbitrary detention reported that Mauritania signed an agreement to stem the tide of illegal migrants bound for a third country and to provide for their repatriation. Under the agreement, the authorities must regularly carry out arrests and detain potential immigrants, without any legal grounds.¹³⁸ It recommended that the Government ensure that any person detained under the migration law has an effective legal remedy enabling him/her to challenge the legality of administrative decisions regarding detention, expulsion and *refoulement*.¹³⁹

81. UNHCR indicated that refugees often complain about reduced freedom of movement, and that arbitrary arrests and abuses are committed. Some non-Muslim refugees, in particular, lament about intimidation and harassment, as well as discrimination, when accessing the job market and other services.¹⁴⁰

82. CRC urged the State to take all measures to guarantee the protection of refugee children, in particular unaccompanied children.¹⁴¹

83. CRC urged the State to adopt a comprehensive and long-term reintegration strategy to facilitate the return of refugees which, inter alia, should ensure the incorporation of children, including non-Arabic speakers, into the Mauritanian education system.¹⁴²

11. Human rights and counter-terrorism

84. The Working Group on arbitrary detention noted that the definition of terrorism in article 3 of the Counter-Terrorism Act (Act No. 2005-047) was imprecise; it may violate the principle of legality set out in ICCPR, and could be used to treat mere political opposition as a criminal act.¹⁴³

III. Achievements, best practices, challenges and constraints

85. UNICEF noted the achievements in the integration of the childhood dimension in the PRSP, and also the best practice in partnership and advocacy for child rights (National forum of child right promotion), community dialogue (community networks and alliances working for children rights), children participation (Children Parliament), use of a religious edict to end corporal punishment, and the REACH initiative in nutrition.¹⁴⁴

86. UNICEF indicated that social protection, the application of laws and measures pertaining to children, governance and the weakness of institutional capacities continues to be major challenges and constraints for Mauritania.¹⁴⁵

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

87. CRC recommended that the State seek technical assistance from different United Nations agencies regarding birth registration,¹⁴⁶ implementation of relevant programmes concerning eradication of corporal punishment,¹⁴⁷ child abuse and neglect,¹⁴⁸ FGM and forced feeding,¹⁴⁹ the recommendations of the United Nations study on violence against children,¹⁵⁰ HIV/AIDS,¹⁵¹ improvement of access to education for girls,¹⁵² development of a comprehensive assessment and a plan of action to prevent and combat child labour,¹⁵³ and the juvenile justice system.¹⁵⁴

88. CEDAW encouraged the State to seek assistance from the international community to implement measures that would strengthen women's access to justice,¹⁵⁵ and to seek technical support from United Nations entities for the collection of data and the training of a national team responsible for the development and implementation of a plan of action on the advancement of women,¹⁵⁶ as well as with regard to the issue of FGM.¹⁵⁷

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

³ Under reservation that provisions in contradiction with Sharia law will not be accepted: “by signing this important convention, the Islamic Republic of Mauritania formulates some reservations towards provisions susceptible to contradict the faith and values of Islam which is the religion of the people and of the State.” See UNICEF submission to UPR on Mauritania and http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV 11&chapter=4&lang=en#EndDec.

⁴ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ⁹ CRC/C/MRT/CO/2, para. 54 (e).
- ¹⁰ Ibid., para. 68 (b).
- ¹¹ Ibid., para. 72 (b).
- ¹² CEDAW/C/MRT/CO/1, para. 45.
- ¹³ Ibid., paras. 9 and 10.
- ¹⁴ A/HRC/10/21/Add.2, para. 89 A (c).
- ¹⁵ CERD/C/65/CO/5, para. 27.
- ¹⁶ Ibid., para. 28.
- ¹⁷ SG/SM/11732 AFR/1734 available at <http://www.un.org/News/Press/docs/2008/sgsm11732.doc.htm>.
- ¹⁸ SG/SM/12290 AFR/1855 available at <http://www.un.org/News/Press/docs/2009/sgsm12290.doc.htm>.
- ¹⁹ A/HRC/10/21/Add. 2, para. 7.
- ²⁰ UNICEF submission to the UPR on Mauritania, paras. 1 and 2.
- ²¹ CRC/C/MRT/CO/2, paras. 7 and 8.
- ²² UNICEF submission to the UPR on Mauritania, para. 2.
- ²³ A/HRC/10/21/Add. 2, para. 75.
- ²⁴ CEDAW/C/MRT/CO/1, paras. 13 and 14.
- ²⁵ A/HRC/11/36/Add.2, para. 80.
- ²⁶ CERD/C/65/CO/5, para. 10.
- ²⁷ UN Press Release, "UN expert on contemporary forms of slavery in first visit to Mauritania," 23 October 2009, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/C12577F437349157C1257658003E2504?opendocument>; and OHCHR Press Release "Unaddressed, slavery in all its forms may be an obstacle to the future of Mauritania," 4 November 2009, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9596&LangID=E>.
- ²⁸ A/HRC/11/36/Add.2, paras. 68 and 55.
- ²⁹ Ibid., paras. 68 and 55.
- ³⁰ CRC/C/MRT/CO/2, paras. 7 and 8.
- ³¹ Ibid., para. 71.
- ³² For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, Annex I.
- ³³ A/HRC/10/54, para. 32.
- ³⁴ A/HRC/11/36/Add.2, para. 83.
- ³⁵ CEDAW/C/MRT/CO/1, para. 18.
- ³⁶ UNICEF submission to the UPR on Mauritania, para. 4.
- ³⁷ CEDAW/C/MRT/CO/1, para. 24.
- ³⁸ CRC/C/MRT/CO/2, para. 13.
- ³⁹ CEDAW/C/MRT/CO/1, para. 6.
- ⁴⁰ UNICEF submission to UPR on Mauritania, para. 5.
- ⁴¹ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination;
CEDAW	Committee on the Elimination of Discrimination against Women;
CRC	Committee on the Rights of the Child.
- ⁴² CRC/C/MRT/CO/2, paras. 5 and 6.
- ⁴³ CRC/C/MRT/CO/2, para. 91.
- ⁴⁴ CERD/C/65/CO/5, para. 4.
- ⁴⁵ A/HRC/7/19/Add.6.
- ⁴⁶ A/HRC/10/21/Add.2.
- ⁴⁷ See UN Press Release, "UN expert on contemporary forms of slavery in first visit to Mauritania," 23 October 2009, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/C12577F437349157C1257658003E2504?opendocument>. Report not available at the time this compilation was completed.
- ⁴⁸ A/HRC/7/19/Add.6, section I, para. 1.
- ⁴⁹ A/HRC/10/21/Add.2, Introduction, para. 6.
- ⁵⁰ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents:

- (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- 51 OHCHR 2009 Report, Activities and Results, p. 72.
- 52 CEDAW/C/MRT/CO/1, para. 21.
- 53 Ibid., para. 22.
- 54 Ibid., para. 20.
- 55 Ibid., para. 43.
- 56 Ibid., paras. 33 and 34.
- 57 UNICEF submission to the UPR on Mauritania, para. 3.
- 58 A/HRC/11/36/Add.2, para. 64.
- 59 Ibid., para. 75.
- 60 Ibid., paras. 49 and 51.
- 61 CERD/C/65/CO/5, para. 14.
- 62 UNICEF submission to the UPR on Mauritania, para. 7.
- 63 CRC/C/MRT/CO/2, para. 29.
- 64 Ibid., para. 54.
- 65 SG/SM/12017 AFR/1793 available at <http://www.un.org/News/Press/docs/2008/sgsm12017.doc.htm>.
- 66 A/HRC/10/21/Add. 2, para. 41.
- 67 Ibid., para. 62.
- 68 UNICEF submission to the UPR on Mauritania, para. 16.
- 69 CRC/C/MRT/CO/2, para. 61.
- 70 Ibid., para. 61.
- 71 CRC/C/MRT/CO/2, para. 62.
- 72 CEDAW/C/MRT/CO/1, para. 27.
- 73 CERD/C/65/CO/5, para. 19.
- 74 CEDAW/C/MRT/CO/1, para. 30.
- 75 Ibid., para. 28.
- 76 A/HRC/10/21/Add. 2, para. 75.
- 77 Ibid., para. 89 C (b).
- 78 CRC/C/MRT/CO/2, para. 79.
- 79 CRC/C/MRT/CO/2, para. 80.
- 80 UN Press release, "UN expert on contemporary forms of slavery in first visit to Mauritania," 23 October 2009, available at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/C12577F437349157C1257658003E2504?opendocument>; and OHCHR Press release "Unaddressed, slavery in all its forms may be an obstacle to the future of Mauritania," 4 November 2009, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9596&LangID=E>.
- 81 CRC/C/MRT/CO/2, para. 36.
- 82 CERD/C/65/CO/5, para. 15.
- 83 CEDAW/C/MRT/CO/1, para. 31.
- 84 Ibid., para. 32.
- 85 CRC/C/MRT/CO/2, para. 77.
- 86 Ibid., para. 74.
- 87 Ibid., para. 76.
- 88 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010MRT182, 1st para.
- 89 UNICEF submission to the UPR on Mauritania, para. 17.
- 90 CRC/C/MRT/CO/2, para. 40.
- 91 Ibid., para. 41.
- 92 A/HRC/10/21/Add. 2, para. 72.

- 93 Ibid., para. 89 G (c).
- 94 CRC/C/MRT/CO/2, para. 81.
- 95 Ibid., para. 82.
- 96 A/HRC/10/21/Add. 2, paras. 48 and 53.
- 97 CEDAW/C/MRT/CO/1, para. 16.
- 98 CRC/C/MRT/CO/2, para. 45.
- 99 Ibid., para. 27.
- 100 Ibid., para. 28.
- 101 UNICEF submission to the UPR on Mauritania, para. 9.
- 102 CRC/C/MRT/CO/2, para. 39.
- 103 CERD/C/65/CO/5, para. 11.
- 104 CRC/C/MRT/CO/2, para. 25.
- 105 Ibid., para. 26.
- 106 CERD/C/65/CO/5, para. 13.
- 107 CEDAW/C/MRT/CO/1, para. 37.
- 108 Ibid., para. 38.
- 109 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention (No. 138), 2010, Geneva, doc. No. (ILOLEX) 092010MRT138, 2nd para.
- 110 UNICEF submission to the UPR on Mauritania, para. 21.
- 111 Agences du Système des Nations Unies en Mauritanie, Rapport sur les progrès dans la mise en œuvre des objectifs du millénaire pour le développement en Mauritanie, 04 août 2008, p. 6, available at <http://www.undg.org/docs/9890/Rapport-OMD-2008-Mauritanie.doc>.
- 112 Système des Nations Unies en Mauritanie, Rapport sur les progrès 2010 vers l'atteinte des objectifs du millénaire pour le développement (OMD) en Mauritanie, Rapport finale – avril 2010, p. 57, available at http://www.undg.org/docs/11354/RAPPORT-OMD-2010-MAURITANIE_VF_print.pdf.
- 113 Agences du Système des Nations Unies en Mauritanie, Rapport sur les progrès dans la mise en œuvre des objectifs du millénaire pour le développement en Mauritanie, 04 août 2008, p. 6, available at <http://www.undg.org/docs/9890/Rapport-OMD-2008-Mauritanie.doc>.
- 114 UNICEF submission to the UPR on Mauritania, para. 20.
- 115 CRC/C/MRT/CO/2, para. 63.
- 116 UNDG, 2008 Resident Coordinator Annual Report, Mauritania, p. 2, available at http://www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_MAU_NAR.pdf.
- 117 WFP, Hunger in the News, Mauritania, 2010, available at <http://www.wfp.org/content/wfp-warns-150000-people-almost-starving-mauritaniapdf>.
- 118 CRC/C/MRT/CO/2, para. 55.
- 119 Ibid., para. 56.
- 120 CEDAW/C/MRT/CO/1, para. 40.
- 121 CRC/C/MRT/CO/2, para. 60.
- 122 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092010MRT182, 5th and 6th paras.
- 123 CRC/C/MRT/CO/2, para. 57.
- 124 CEDAW/C/MRT/CO/1, para. 42.
- 125 UNICEF submission to the UPR on Mauritania, para. 12.
- 126 UNDG, 2008 Resident Coordinator Annual Report, Mauritania, p. 2, available at http://www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_MAU_NAR.pdf.
- 127 UNICEF submission to the UPR on Mauritania, para. 22.
- 128 Ibid., para. 23.
- 129 CRC/C/MRT/CO/2, para. 65.
- 130 UNICEF submission to the UPR on Mauritania, para. 24.
- 131 CRC/C/MRT/CO/2, para. 66.
- 132 CERD/C/65/CO/5, para. 20.
- 133 Ibid., para. 21.
- 134 A/HRC/11/36/Add.2, para. 81.
- 135 CERD/C/65/CO/5, para. 22.

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- ¹³⁶ Décret No. 2005/022 fixant les modalités d'application en Mauritanie des Conventions Internationales relatives aux réfugiés.
- ¹³⁷ UNHCR submission to the UPR on Mauritania, p. 2.
- ¹³⁸ A/HRC/10/21/Add. 2, para. 65.
- ¹³⁹ Ibid., para. 89 F (c).
- ¹⁴⁰ See Décret No. 2005/022 fixant les modalités d'application en Mauritanie des Conventions Internationales relatives aux réfugiés, chap. II, arts. 11 and 13; Constitution of the Islamic Republic of Mauritania, 20 July 1991, article 21.
- ¹⁴¹ CRC/C/MRT/CO/2, para. 70.
- ¹⁴² Ibid., para. 68 (a).
- ¹⁴³ A/HRC/10/21/Add. 2, para. 78.
- ¹⁴⁴ UNICEF submission to the UPR on Mauritania, p. 5, section III.
- ¹⁴⁵ Ibid.
- ¹⁴⁶ CRC/C/MRT/CO/2, para. 39.
- ¹⁴⁷ Ibid., para. 41.
- ¹⁴⁸ Ibid., para. 41.
- ¹⁴⁹ Ibid., para. 62.
- ¹⁵⁰ Ibid., para. 52 (c).
- ¹⁵¹ Ibid., para. 58 (f).
- ¹⁵² Ibid., para. 66 (j).
- ¹⁵³ Ibid., para. 76 (a).
- ¹⁵⁴ Ibid., para. 82.
- ¹⁵⁵ CEDAW/C/MRT/CO/1, para. 16.
- ¹⁵⁶ Ibid., para. 24.
- ¹⁵⁷ Ibid., para. 28.
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