



A Shadow Report on the Universal Periodic Review of Mauritania

Submitted by: Maat for Peace, Development and Human Rights

Submitted to: The Universal Periodic Review Mechanism

introduction

Over the last four years, Mauritania has undergone several transformations in human rights at all levels. There is no doubt that this transformation impacted the way it approaches the Universal Periodic Review (UPR) Mechanism. As the State party has cooperated positively with the Mechanism in two previous review sessions. In the second session of which, 77 countries made 200 recommendations to Mauritania; 142 of them were accepted. However, a series of challenges still hinder the implementation of the approved recommendations and the acceptance of the remaining ones in future sessions.

Maat for Peace, Development and Human Rights submits this report to make some observations that stakeholders may take into account in the State party's coming report.

First: Political Rights: Intense Momentum

Maat for Peace, Development and Human Rights appreciates the peaceful transfer of power that occurred in the aftermath of Mauritania's 2019 presidential elections, in light of the political dynamics Nouakchott is witnessing. A situation that is considered healthy in the social, political and regional context in this critical



period. 2019 presidential election is Mauritania's first democratic changeover that was characterized by transparency and international and regional follow-up, both governmental and non-governmental. The competition ended up with President Mohamed Ould Ghazouani winning the country's presidential election, with 52.13% of the vote in the first round.

These elections was held in the wake of switching political parties and ending the state's partisan dispersion, especially following the adoption of the new law on political parties that would have dissolved the parties that were unable to present the required percentage of candidates in the municipal elections or obtain less than 1% of the vote. This marked the beginning of the long-awaited peaceful transfer of power in a country where stability is urgently needed. These peaceful elections offered a new opportunity in light of the political polarization and under the burden of economic conditions.

Following the elections, several protests erupted, and riots occurred across Mauritania's capital Nouakchott; however, demonstrations were soon quelled by security forces, and the authorities cut off Internet connection and mobile phone services, for fear of spreading rumors, especially with the escalation of riots and protests that forced the authorities to deploy units of the army in some districts of the capital Nouakchott, and some cities bordering Senegal. The Internet service was completely down for more than a week, during which the country was under an



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

"undeclared emergency" situation.¹

And in light of the challenges faced by the State party in this political momentum, and the social movement reviving Mauritania's political climate. The volatile national political situation in the country is the beginning of transition to a real "democratic" system, not the end.

Second- Abolition of Slavery: Was it Permanently Eliminated?

Although Mauritania abolished slavery in 1981, and criminalized it in 2007, and the Mauritanian parliament ratified in August 2015 a law restricting slavery, and stipulated the creation of specialized courts to counter slavery with specialized judges, and execution of judicial decisions that include compensation for the victims of slavery, without waiting for appeal and despite establishing slave-trade courts. All of this is an implicit recognition by previous governments of the continuing spread of the phenomenon, making it a greater challenge for today and tomorrow. Despite the lack of exact figures indicating the number of people suffering from slavery, and although laws are not applied, the phenomenon is still widespread among at least 1% of the population, especially in rural areas, according to many organizations working in Mauritania.²

¹ "موريتانيا 2019... عام من التناوب والصدام"، 29 ديسمبر 2019م، جريدة الشرق الأوسط، رقم العدد [15006]، على الرابط التالي: <http://bit.ly/2SjJrjM>

² محمد القصاص، "موريتانيا: هل تم فعلا تحرير العبيد؟"، بي بي سي، فبراير 2019، على الرابط التالي: <https://bbc.in/39jibJf>

Maat for Peace appreciates the establishment of the National Solidarity and Combating Exclusion (Synergy) body by the government of President Ghazwani, to replace the previous body established to combat poverty and slavery. However, Maat stresses the need to apply the law, in a manner also consistent with Article 8 of the International Covenant on Civil and Political Rights, concerning the inadmissibility of subjecting anyone to slavery or any of its contemporary forms.

Third - Women in Mauritania: Steps Forward and Backward

As for the political rights of women in Mauritania, although the National Elections Commission did not provide the percentage of women participating in the 2014 presidential elections, the percentage of women voters registered on the electoral lists in the September 2018 parliamentary elections reached 52%. The number of women in the Mauritanian parliament is 29 women out of 157 members, which means that women's representation in the parliament is close to 19%,³ which is not up to the aspirations of Mauritanian women willing to engage in political affairs.⁴ It also contradicts the law that was ratified in 2006, which is known as the "quota law" that allocates 20% of the parliament seats for women.

On the other hand, gender-based violence continues in Mauritania against women. As the draft law on elimination of

³ Although women represent 53% in Mauritania

⁴ إيثار شلبي، "في موريتانيا .. النساء لا يصوتن للنساء"، بي بي سي، 20 يونيو 2019، على الرابط التالي: <https://bbc.in/387g8Yy>

discrimination against women that still being debated since 2016 is countered by many obstacles. The draft law was brought up for the second time for discussion in Parliament, before it was withdrawn again by the Committee on Islamic Guidance, Human Resources and Cultural Affairs in the General Assembly of Parliament, on the pretext that it included "articles violating Islamic law".⁵ Mauritanian women are, under the current law, unable to report sexual assaults to the police, because they will be punished for adultery. In a nutshell, the Mauritanian law punishes women, despite being the victims.

Fourth - The War on Corruption: Positive Steps are Missed

Fighting corruption in Mauritania remained without a legal framework until 2016, when Law 14 was issued in 2016, on combating corruption-related crimes. Despite the law stipulates the establishment of a court specialized in corruption-related crimes, and although Article 25 obligated all state officials responsible for monitoring, following-up and reporting all the crimes stipulated in this law to the public prosecutor,⁶ the absence of preventive investigation agencies was the key feature in the anti-corruption institutional structure in the State party. It was more appropriate to establish a supreme authority for overseeing and countering corruption, along with monitoring asset declaration and internal financial control.

⁵ سحب قانون 'النوع' من البرلمان يثير غضبا في موريتانيا"، أصوات مغاربية، 27 ديسمبر 2018، على الرابط التالي: <http://bit.ly/2HOGijE>

⁶ مراسيم محاربة الفساد تهيمن علي بيان مجلس الوزراء " نص بيان "، موقع أنباء إنفو، 18 أغسطس، 2016، على الرابط التالي:

<http://bit.ly/2vVSvdz>

Maat appreciates the positive move of investigating more than thirty officials on corruption charges in late June 2019, including former officials of government institutions and some state-affiliated companies. These investigations led to the resignation of the minister of culture and handicraft, a spokesman for the government, against the background of the investigation with his wife, who was director-general of Mauritanian TV for five years (2013-2018).⁷

However, the demands of some opposition parties to investigate major national companies such as the National Industrial and Mining Company (SNIM), the National Electricity Company, Nouakchott and Nouadhibou ports, Sonimex company, the National Road Maintenance Corporation, the Agency for the Implementation of Works Of public benefit, and the Agency for the Promotion of Universal Access to Services⁸, should be taken into account.⁹

Fifth - The Right to Work: Between Positive Steps and Dispersive Figures

Maat appreciates the ratification of the 2014 protocol on the Forced Labor Convention by Mauritania on February 9, 2016.¹⁰

⁷ "موريتانيا... استقالة وزير والتحقيق مع 30 مسؤولاً في تهمة فساد"، جريدة الشرق الأوسط، 29 يونيو 2019 م رقم العدد [14823].

⁸ "موريتانيا: المعارضة تطالب بالتحقيق في حالة مؤسسات أفسدها النظام السابق"، القدس العربي، 20 - نوفمبر - 2019، على الرابط التالي:

<http://bit.ly/2usAJYq>

⁹ قدم هذه الدعوة أحزاب ائتلاف قوى التغيير الديمقراطي، وحزب اتحاد قوى التقدم، والاتحاد الوطني من أجل التناوب الديمقراطي، وتكتل القوى الديمقراطية

¹⁰ Ratifications of P029 - Protocol of 2014 to the Forced Labour Convention, 1930, available at:

<http://bit.ly/2H36PNe>



Also appreciates its ratification of the Tripartite Consultation Convention on International Labor Standards on September 23, 2019, which has not yet entered into force.¹¹ The State party has also ratified the Migrant workers Convention (supplementary provisions), on September 23, 2019, which did not enter into force either.¹² The last two Convention are expected to enter into force on September 23, 2020.

However, there is still a problem in the national statistics of the workers' number and unemployment rates in the country. During the previous review, the then Minister of Economic Affairs and Development announced that the unemployment rate fell from 31% in 2008, to 10% in 2013. However, the figures were rejected and considered unrealistic as specialists believes it is impossible for the unemployment rate to decrease from 31% to 10% in five years, while the growth rate in the same period stopped at only 4%. The controversy arouse again when the authorities announced in January 2018 that the unemployment rate in 2008 was estimated by 18.8%, instead of 31%. The new figures indicate an increase in the unemployment rate to 4.4% in a single year, as it indicated that the unemployment rate in 2014 reached 14.4%, while the Minister of Economic Affairs and Development had previously confirmed that it stopped at 10% in

¹¹ Ratifications of C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), available at: <http://bit.ly/389CubT>

¹² Ratifications of C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), available at: <http://bit.ly/2UA7RbC>



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

2013.¹³ Regardless of this controversy over the inability to produce a consistent national census, the final figures indicated by the International Labor Organization, report that the total unemployment rate in Mauritania reached 10.32% in 2019.¹⁴ Which is a huge percentage, especially with the increasing numbers of citizens every year.

Recommendations:

Maat for Peace, Development and Human Rights recommends that stakeholders must:

Regarding political rights in general, we recommend the following:

1. In light of the relationship between the government and the opposition, the government must handle any tensions, and the opposition must accept the government's credibility. And cooperation in light of the difficulty of institutional reforms that would strike an appropriate balance between the three executive, legislative and judicial authorities.
2. Take steps to ratify the First and Second Optional Protocol attached to the International Covenant on Civil and Political Rights.

¹³ على الرابط التالي، 2018 يناير 30 محمد حرمة، "موريتانيا: نسبة البطالة تكشف تضارب الأرقام الرسمية"، صحراء ميديا،

<http://bit.ly/39fiFQv>

¹⁴ Mauritania - Unemployment, total (% of total labor force) (modeled ILO estimate), mundi index, available at:

<http://bit.ly/385USSO>



Regarding the fight against slavery, we recommend the following:

3. The necessity of establishing a national mechanism to combat the phenomenon of slavery, and working to provide all forms of moral and material support to the victims.
4. Adopting a national plan to combat racial discrimination, in line with Article 8 of the International Covenant on Civil and Political Rights, that no one may be subjected to slavery in any of its forms.
5. Trying to find a database to exactly specify the numbers of those suffering from slavery, and to activate national laws to combat slavery, with special attention paid to rural areas, and strengthening cooperation with NGOs working in Mauritania in this field.
6. Providing the necessary training for judges, lawyers and law enforcement officers, with regard to combating slavery and servitude, and dealing with victims.

Regarding women's rights, we recommend the following:

7. Empowering women politically through integrating them in society, partisan, and media, not excluding them, and trying to change the stereotypical image of their political role.



8. Exerting pressure on the Parliament to pass a gender law, ensuring that the definition of rape is broader than its definition in the current law, and criminalizes all other forms of sexual violence.

Regarding the right to work, we recommend the following:

9. Working to implement the Tripartite Consultation Convention on International Labor Standards and the Migrant Workers Convention (Supplementary Provisions), which they ratified in September 2019.
10. Issuing the updated edition of the national survey on employment and the unrated sector, with an extensive participation of civil society organizations.

Regarding fighting corruption, we recommend the following:

11. Working to establish a supreme authority for overseeing and countering corruption, along with monitoring asset declaration and internal financial control.
12. Investigating the corruption files of major national companies as requested by some political parties.