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## **Report of the Working Group on the Universal Periodic Review\***

### **Mauritania**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its ninth session from 1 to 12 November 2010. The review of Mauritania was held at the 16th meeting, on 10 November 2010. The delegation of Mauritania was headed by Mohamed Abdallahi Ould Khattrra, Commissaire aux Droits de l'Homme, à l'Action Humanitaire et aux Relations avec la Société Civile. At its 17th meeting, held on 12 November 2010, the Working Group adopted the report on Mauritania.

2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mauritania: Hungary, Guatemala and Mauritius.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Mauritania:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/9/MRT/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MRT/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MRT/3).

4. A list of questions prepared in advance by the United Kingdom of Great Britain and Northern Ireland, the Czech Republic, Denmark, Germany, Latvia, the Netherlands, Slovenia, Sweden, Switzerland and Norway was transmitted to Mauritania through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, 52 delegations made statements. A number of delegations commended Mauritania for the ratification of core human rights instruments and for its efforts in the areas of human rights and democracy. Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. The delegation said that it would like to take the opportunity presented by the dialogue with the Working Group within the framework of the universal periodic review to reaffirm the fact that the Government of the Islamic Republic of Mauritania stood ready to continue its efforts, as a member of the Council, to defend human rights, preserve human dignity and respect the fundamental principles of the United Nations.

7. The national report was the result of a consultation process to which all interested parties had contributed. The report had been drafted by an interministerial technical committee in coordination with the National Human Rights Commission.

8. Mauritania, which was preparing to commemorate 50 years of independence in a few days' time, upheld human rights as fundamental and irrevocable principles. They were enshrined in the preamble to the Constitution, which stated that the Mauritanian people were determined to guarantee the principles of democracy as set out in the Universal

Declaration of Human Rights of 10 December 1948 and the African Charter on Human and Peoples' Rights of 28 July 1981, as well as international conventions to which Mauritania was party.

9. National laws embodied the principles of liberty, justice and equality, non-discrimination and tolerance, and respect for civil, political, economic, social and cultural rights. Mauritania had ratified the main international human rights treaties, conventions and protocols and had submitted reports on their implementation. It had also responded positively to all mission requests made by special procedures mandate holders and had submitted reports to the Committee on the Elimination of All Forms of Racial Discrimination in 1999 and 2004; the Committee on the Rights of the Child in 2001 and 2009; and the Committee on the Elimination of Discrimination against Women in 2007.

10. With regard to visits by special procedures mandate holders, Mauritania had hosted the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in 2008, the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, in 2009 and the Working Group on Arbitrary Detention in 2008, all of which had demonstrated the political will of the Mauritanian Government to overcome the challenges it faced.

11. With a view to protecting all rights, Mauritania had created a comprehensive institutional framework involving various ministerial departments and human rights institutions, in particular the Ministry of Social Affairs, Children and the Family, the Commission on Human Rights, Humanitarian Action and Relations with Civil Society, the Ombudsman of the Republic, the National Human Rights Commission, the National Commission for Financial Transparency in Public Affairs, and the National Council for Children.

12. The situations described in the national report confirmed the strong political will of His Excellency the President of the Republic, Mohamed Ould Abdel Aziz, to continue the Government's efforts to put an end to human rights violations, address unresolved humanitarian issues and overcome the legacy of slavery. The report also highlighted the Government's determination to strengthen policies and programmes designed to build a State underpinned by a strong rule of law and founded upon justice and equality.

13. The country was also working to improve living and health conditions for detainees. Its penal policy focused on amnesty for convicts who fulfilled the necessary requirements.

14. In the area of good governance, significant measures had been taken to address problems of mismanagement by creating the National Commission for Financial Transparency in Public Affairs and the High Court of Justice, which was responsible for trying senior State authorities. The new policy was intended to guarantee an equitable redistribution of resources and the development of the country, which had been hampered by bad management.

15. Despite the efforts made to promote and protect human rights, Mauritania, like other developing countries, continued to face multiple challenges, particularly in the area of economic and social rights. Rapid development would be required if it was to achieve the Millennium Development Goals.

## **B. Interactive dialogue and responses by the State under review**

16. Algeria noted the consolidation of the National Human Rights Commission. It also noted that a de facto moratorium on the death penalty had been in place for 20 years, while sharing concerns regarding its abolition. Algeria also noted a 20 per cent quota for women

allocated in electoral mandates, which had led to their representation in municipal councils, the judiciary and other State institutions. Algeria made recommendations.

17. Senegal noted the positive strides made in promoting and protecting human rights, despite a context characterized by some institutional instability. It congratulated Mauritania on the strong measures taken to do away with slavery and welcomed the progress achieved in promoting women's rights, the fact that Mauritania had given priority to the return and total integration of Mauritians who had been refugees in Senegal, and the fact that an OHCHR office would soon open in Nouakchott. Senegal made recommendations.

18. Qatar acknowledged the positive measures taken to address the discrimination issue. It also noted the efforts made with regard to the national human rights institution and its work with civil society to implement human rights policy, as this had been done by the Ministry of Children and the Family. It was pleased that steps and efforts had been undertaken by the Government to achieve reconciliation among all people in the country and encouraged this to continue. Qatar made a recommendation.

19. Oman commended Mauritania for the measures taken to fulfil its international commitments. It highlighted the country's efforts in building institutions such as the Commission for Human Rights, as well as its humanitarian action and relations with civil society. It made a recommendation.

20. Saudi Arabia noted with appreciation that national legislation and policy had included human rights principles. It also welcomed the fact that Mauritania had established a national human rights institution and had provided compulsory education for all children between the ages of 6 and 14. It made a recommendation.

21. Bahrain noted the priorities and challenges, particularly extreme poverty, a major obstacle to the full enjoyment of economic and social rights. It also expressed appreciation for the Government's efforts to promote the advancement of women and for the progress made in building institutions and the judiciary in order to protect women and children, and in creating a civil society that provided care and protection for them. Bahrain requested further information about efforts made to combat poverty through social security. Bahrain made a recommendation.

22. Greece recognized Mauritania's efforts to promote and advance the status of women in society. It expressed concern over Mauritania's general reservation to CEDAW and its reservations to certain provisions of ICCPR, relating to the implementation of shariah law. It made recommendations.

23. Palestine was pleased that the report submitted by Mauritania indicated the Government's great interest in human rights. Mauritania had codified international human rights principles in its national law. In addition, Mauritania had criminalized slavery and had adopted a broad programme to eliminate it.

24. Mexico welcomed the principal activities undertaken to improve health care and universal access to education. It welcomed initiatives to involve women in politics. It requested further details about the current status of the implementation of conclusions resulting from the study on social protection. Mexico made recommendations.

25. Tunisia welcomed the continued cooperation between Mauritania and international mechanisms for the promotion and protection of human rights. It appreciated the role played by institutions such as the Ombudsman, as an independent institution for mediation between the governmental administration and citizens to settle conflicts in a cordial and neutral manner. It made a recommendation.

26. Iraq appreciated the efforts made by Mauritania to promote and protect human rights, as reflected in the Constitution of 1991. Mauritania had also adopted a series of measures to address human rights challenges. It made a recommendation.

27. Brazil noted the legislation providing for a 20 per cent quota for women in electoral mandates, while noting concerns about the prevalence of discriminatory practices against women, including female genital mutilation. Brazil noted the concerns of the Committee on the Rights of the Child about *gavage* and the lack of a clear definition of rape and other sexual crimes. Brazil also noted that, owing to unequal access to employment for women, they were overrepresented in the informal sector. Brazil praised the high school enrolment of girls and encouraged the birth registration campaigns. Brazil urged Mauritania to abrogate corporal punishment in law and to abolish the death penalty. Brazil made recommendations.

28. Malaysia positively noted Mauritania's engagement with the international community and the United Nations human rights machinery. It inquired about the progress made in establishing the OHCHR country office, which had been agreed in September 2009. It made recommendations.

29. Bangladesh was pleased to note that Mauritania had demonstrated the political will to address the situation of women and children. It also welcomed the fact that the poverty reduction strategy paper accorded priority to health. While recognizing challenges facing Mauritania, it acknowledged that the country had been affected by international circumstances, including the financial and economic crisis and the food crisis, and had drawn the attention of the international community in the assessment of human rights in Mauritania. It made recommendations.

30. Morocco expressed appreciation for the effective role played by the National Human Rights Commission, particularly in raising awareness about and promoting education on human rights. Morocco praised the legal framework for ending slavery, addressing its after-effects and creating support funds for slavery victims. Morocco welcomed Government efforts to ensure the voluntary return of refugees and guarantee their economic and social reintegration. It supported efforts to combat poverty and youth unemployment. Morocco made recommendations.

31. Pakistan welcomed Mauritania's frank acknowledgement of the challenges faced and was encouraged to note its determination to promote and protect the human rights of its citizens, particularly their economic and social rights. It was concerned by the persistent extreme poverty in Mauritania and stressed that the issue required immediate action. It made recommendations.

32. Egypt congratulated Mauritania on the progress made in the harmonization of domestic laws with international standards in the area of human rights, including laws that had been effective. It paid tribute to Mauritania for improving the human rights situation by allowing the 30 per cent quota for women in the electoral list, as well as with regard to civil society. It also welcomed the positive developments in poverty reduction with a focus on health care and children. It made a recommendation.

33. Poland appreciated the progress made in aligning national legislation with international human rights standards. It noted concerns about violence against children. It asked the steps intended to be taken to end the corporal punishment of children in the public and private spheres. Poland made recommendations.

34. Canada welcomed the positive steps taken by Mauritania in 2007 by creating a framework for criminalizing slavery, underscored the return of Mauritians in 2008 in cooperation with the High Commissioner for Refugees, and was encouraged by its initiatives to combat discrimination. Canada, however, observed that only a holistic

approach addressing all forms of slavery and discrimination would enable the country to better comply with its international obligations in the area of human rights. Canada made recommendations.

35. Chad welcomed Mauritania's legal framework for respect for human rights, and asked a question about the current situation of the survivors of slavery.

36. Israel looked forward to the day when constitutional order and democracy would serve as the cornerstone for building a comprehensive human rights framework, both in law and in practice, to ensure adherence to international human rights norms and standards. Israel made recommendations.

37. The Libyan Arab Jamahiriya acknowledged the great efforts made by Mauritania in the areas of education, health care and other areas related to human rights, and thanked the country for its efforts in relation to the national strategy for social matters and protection of the elderly and women. It made recommendations.

38. Yemen noted that Mauritania had succeeded in resolving political problems through peaceful means and had held democratic elections in 2009. In addition, Mauritania, being aware of the human rights challenges, had established a number of ministerial agencies to address them. Yemen made a recommendation.

39. The delegation of Mauritania said that its civil society organizations had been involved in preparing the national report, in accordance with universal periodic review guidelines, through their participation in the national consultations that had been organized at a June 2010 national workshop in which all interested parties had participated. The conclusions of the consultations, which took into account both the progress made and the limitations and difficulties reported, were reflected in the national report.

40. With regard to its standing invitation to special procedures mandate holders of the Human Rights Council, it should be emphasized that Mauritania had responded positively to all mission requests made by mandate holders and remained open to all similar requests.

41. With regard to the question of whether Mauritania planned to withdraw its general reservation concerning the Convention on the Elimination of All Forms of Discrimination against Women, the delegation recalled that, when Mauritania had signed the Convention in 2000, it had made a general reservation to the provisions of the Convention that were at odds with sharia law, which formed the basis of its domestic legislation. In light of the recommendations made by the Committee on the Elimination of Discrimination against Women during its consideration of the country's initial report in 2007, the Government had decided to examine the provisions of the Convention that contradicted sharia law. To that end, the Government had engaged in broad consultations with the ulema, and was now working to complete the procedure for withdrawing the general reservation and replacing it with more specific ones.

42. All Mauritanian refugees in exile were free to return to Mauritania, and there was nothing to prevent them from living in their country and taking part in its development. After the events of 1989, more than 20,000 refugees had returned under the tripartite agreement signed in 2007 by Mauritania, Senegal and the Office of the United Nations High Commissioner for Refugees. A further 2,400 refugees had been registered and were to return by the end of December 2010, when Mauritania intended to conclude the return operation. Provision had been made to ensure that all refugees received certification of nationality as soon as they returned. An agency to promote refugee reintegration had been established, and substantial financial resources had been allocated for that purpose.

43. Each year, ever since the launch of an initiative to resolve outstanding humanitarian issues in Kaédi by His Excellency the President of the Republic, 25 March was celebrated as a national day of reconciliation. As part of that process, the State had awarded material

compensation to victims. The delegation welcomed the solidarity and support shown by the international community and the United Nations High Commissioner for Human Rights.

44. With regard to Mauritania's accession to the Optional Protocol to the Convention against Torture, the delegation said that the country's current priority was to fulfil the obligations it had assumed upon acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2004. Its efforts in that regard had included the submission of its initial report and participation in a constructive dialogue with the Committee against Torture. The Government was firmly resolved to investigate allegations of torture and to prosecute the perpetrators of such acts.

45. Various other developments also reflected Mauritania's commitment to meet its obligations under the Convention against Torture, including awareness-raising programmes for public security officials, refusals by judges to consider confessions extracted under torture, the imposition of disciplinary measures by the authorities in proven cases of torture, without prejudice to the filing of criminal charges against those responsible as well, and the fact that prisoners could now request that judges order the preparation of medical reports in order to establish the degree of criminal responsibility of the perpetrators of such acts. In addition, the National Human Rights Commission could and did make unannounced visits to places of detention throughout the country.

46. All the arrangements had been finalized in preparation for the imminent creation of an OHCHR office in Nouakchott, which, according to reliable sources, was expected to open its doors on Monday, 15 November 2010.

47. Death penalty sentences were commuted, as provided for in the Islamic law from which it was drawn and other provisions of criminal law. No executions had been carried out for 23 years. The moratorium would be examined as part of the current reforms process; possible alternatives would be considered, and conclusions would be reached in accordance with the country's penal policy.

48. With regard to equality between men and women, it should be noted that domestic law contained no inequalitarian or discriminatory provisions. In order to ensure equality, the Government had taken institutional measures, formulated sectoral policies and strategies, set up monitoring groups and adopted numerous pieces of legislation. Furthermore, discrimination in general was prohibited and punishable under the new Act No. 042/2007 on the prevention, treatment and monitoring of HIV/AIDS.

49. On the question of impunity for sexual and domestic violence, the delegation recalled that Mauritania, as a Muslim country, had a system of values and education that formed the first defence against such behaviour. In addition, the Government had taken significant steps to combat impunity for sexual violence. It had drawn up standard operating procedures for cases of gender-based violence, formulated a policy to combat female genital mutilation, issued a fatwa in 2010 on ending the practice, and was in the process of developing a national policy to combat gender-based violence.

50. The country had a law that systematically banned slavery-like practices. Under that law, victims could submit complaints and receive assistance, and administrative authorities found guilty of failing to act in such cases were subject to penalties. A complaint of slavery-like practices was sufficient to prompt action by the administrative authorities or legal proceedings. The law also protected the interests of children who had been enslaved and provided for the punishment of any form of discrimination or violence against them and for their reintegration. In a general sense, that law had facilitated significant progress in fighting slavery, and the delegation invited non-governmental organizations to collaborate with the authorities by reporting all confirmed cases. In order to eliminate the legacy and vestiges of slavery, Mauritania was working on additional measures, particularly through a programme to eradicate the after-effects of slavery. An action plan to combat trafficking,



including trafficking in women and children, would also be put in place. The delegation refuted the notion that slavery-like practices persisted and underlined the fact that combating the legacy of slavery was a cross-cutting activity reflected in all policies pursued by the Government.

51. Slovakia praised the opening of an OHCHR office in 2009. Slovakia stated that a more holistic approach at all levels of society was required to combat slavery. Slovakia expressed concerns about prison overcrowding, lack of food and health care for detainees, and routine abuse. Slovakia noted the de facto moratorium on the death penalty since 1987. Slovakia acknowledged the improvement in media freedom since the August 2005 coup, which had ended censorship and bureaucratic obstacles to the printing of publications. Slovakia made recommendations.

52. The United States of America commended Mauritania for progress in aligning its national legislation with international human rights standards. Noting the steps taken by the Government and civil society organizations to combat slavery, it expressed concern over the fact that, although Mauritania had banned slavery, no one had ever been convicted of the crime of slaveholding. It inquired whether Mauritania planned to develop a national strategy on slavery. It also expressed concern about the prevalence of human trafficking in Mauritania. It made recommendations.

53. The United Arab Emirates expressed appreciation for the importance attached to human rights, as reflected in the national report and institutions created such as national human rights institutions and the ministry of humanitarian affairs. It made a recommendation.

54. Italy encouraged efforts to address, in collaboration with the relevant international organizations, the challenges related to children's rights, particularly child labour. Italy welcomed the steps taken to withdraw general reservations to CEDAW. Italy noted the adoption of a national strategy and plan of action in 2007 to fight against female genital mutilation. Italy noted reports about the deteriorated situation of the Christian minority, encouraging Mauritania to undertake initiatives to create a better climate for religious tolerance. Italy noted the de facto moratorium on the death penalty since 1987. It made a recommendation.

55. Sri Lanka commended Mauritania for initiating procedures aimed at the withdrawal of its general reservation to CEDAW and welcomed its cooperation with the special procedures, as well as its accession in 2003 to ICRMW. It also commended Mauritania for having made education compulsory for children between the ages of 6 and 14. It made a recommendation.

56. France was concerned over information about the persistent use of torture by law enforcement personnel, particularly in detention facilities. It asked for clarity regarding measures taken or envisaged to address this issue and punish the perpetrators of torture. France noted that the death penalty had not been used de facto since 1987, although it still existed in the penal code and was applicable for homosexuality. France made recommendations.

57. The United Kingdom of Great Britain and Northern Ireland welcomed progress in combating discrimination, particularly the law criminalizing slavery and slavery-like practices, while noting concern about the effective implementation of the anti-slavery legislation and the continued existence of caste-based slavery. Welcoming efforts to mainstream gender equality and the national strategy for eliminating female genital mutilation, it expressed concern about torture, prison conditions, violence against women and gender-based discrimination, including reported trafficking in women and girls; the continued practice of early marriage and forced feeding (*gavage*); child trafficking and the

prevalence of child labour. It called on Mauritania to ensure access for detainees to independent and effective legal remedies. It made recommendations.

58. Turkey praised the initiation of procedures to withdraw the general reservation to CEDAW. Noting the efforts of Mauritania to organize the voluntary and dignified return of Mauritanian refugees, it stated that accelerating the process of issuing identity cards would benefit the process. It also positively noted Mauritania's various efforts to improve the situation of children. It made recommendations.

59. Spain noted the commitment of Mauritania to human rights since 2005 and encouraged further efforts for consolidation to strengthen democracy and the rule of law. It made recommendations.

60. Norway welcomed the establishment of a national commission to combat gender-based violence. It expressed concern about the human rights situation of children. Norway noted the adoption of a national strategy and plan of action in 2007 against the practice of female genital mutilation. Norway appreciated the efforts made to combat slavery, including the adoption of a law criminalizing it and the establishment of a national programme to eradicate it. Norway emphasized the importance of civil society participation as essential to a meaningful universal periodic review process. Norway made recommendations.

61. Germany commended Mauritania on the agreement it had signed with OHCHR authorizing the establishment of a country office in Mauritania. In the light of the overall female genital mutilation rate in Mauritania, which had remained at approximately 72 per cent for the past few years, it inquired about steps that the Government was taking to persuade its citizens to abandon the practice. It also asked for information about a national strategy focusing on combating slavery and alleviating its impacts. It made recommendations.

62. Côte d'Ivoire congratulated Mauritania on its efforts in ending the crisis that had affected its stability, and noted the recent initiatives taken to follow up on the recommendations of several Special Rapporteurs. It made recommendations.

63. Azerbaijan noted that desertification and drought constituted a serious threat to economic and social development and that extreme poverty remained a major problem, affecting almost half the population. It welcomed structural reforms to improve access for children to education. Azerbaijan welcomed the steps taken to improve the status of women and to promote their participation in politics. Azerbaijan expressed appreciation for increased cooperation with the mechanisms of the Human Rights Council. Azerbaijan made recommendations.

64. Argentina paid tribute to the achievements of Mauritania with regard to the mainstreaming of childhood issues into its poverty reduction strategies and best practices in the areas of cooperation, defence of children's rights and community dialogue. It inquired about the incorporation of norms aimed at preventing racial and ethnic discrimination into Mauritania's domestic laws and about measures adopted to put an end to the practice of corporal punishment. It made recommendations.

65. Slovenia commended Mauritania for the progress made in aligning its national legislation with international human rights standards. It made recommendations.

66. The Holy See noted the adoption of compulsory education and the implementation of the 2003–2010 national strategy for education, as well as the highest primary school enrolment rate in Africa. It also noted the law permitting the National Human Rights Commission to carry out unannounced visits to detention facilities to monitor the living conditions of prisoners. It noted the significant steps taken to combat slavery. It made recommendations.

67. Sweden, noting that Mauritania had maintained criminal sanctions against same-sex activity between consenting adults, inquired about any initiatives taken to repeal the law forbidding such sexual activity. It also expressed concern over the regular use of torture by security forces against political detainees. It asked for further information about measures taken to investigate and prosecute alleged perpetrators of torture against individuals detained for political reasons or for ordinary crimes. It made recommendations.

68. China welcomed Mauritania's withdrawal of a general reservation to CEDAW and expressed appreciation for its cooperation with United Nations mechanisms. China understood the difficulties facing Mauritania in addressing human rights owing to a lack of financial and human capacity, and called for greater technical assistance from the international community.

69. Switzerland noted the 2007 law criminalizing slavery, expressing concern that slavery still existed in practice. It also noted that new death sentences had been handed down since the most recent execution, in 1987. Switzerland made recommendations.

70. Mauritania had ratified the Convention on the Rights of Persons with Disabilities earlier in 2010 and ratification instruments were being prepared.

71. The delay in the Government's submission of reports to treaty bodies had been occasioned by specific circumstances in the country at given points in time, and the Government was working to clear the backlog. To that end, it would soon present its initial report to the Committee on Economic, Social and Cultural Rights.

72. The new Terrorism Act contained a broader but more specific definition of the offence, while prosecution and investigation procedures were generally undertaken by a joint team in order to increase effectiveness. The members of those teams had been given more extensive powers, but without jeopardizing the rights of defendants. Sentences had become more severe, and there was a greater focus on compensation for victims and civil parties. As an Act of State, it had come into force as soon as it had been adopted.

73. The Criminal Code, which included penalties for those who had same-sex sexual relations, was based on Muslim sharia law, personal ethics and the specific nature of the country. The relevant provisions would be studied in detail with a view to bringing them into line with international standards.

74. As with the death penalty, corporal punishment had never been practised or carried out. The provisions of Islamic law and special criminal legislation allowed for alternative sentences.

75. Indonesia highlighted the recent establishment of a gender equality office and noted the Government's endeavour to address some discriminatory social and cultural practices. It encouraged Mauritania to continue the dialogue with special procedures. It made recommendations.

76. Ghana noted the declaration of a fatwa against the practice of female genital mutilation, the adoption of alternatives to custody for children in conflict with the law, the improvement of living conditions in detention centres, the criminalization of slavery, and other ongoing progress. Ghana welcomed the efforts to promote the status of women. It made recommendations.

77. Angola welcomed the first free and transparent election held since 2005. It expressed appreciation for the adoption of the 2009 strategy for the protection of children, requesting further information. Angola welcomed the efforts made to improve maternal mortality, requesting further information about the situation in that area since 2001. Angola noted the high school enrolment rate in rural and semi-rural areas. It encouraged Mauritania

to deepen its cooperation with United Nations mechanisms. Angola made recommendations.

78. The Syrian Arab Republic commended Mauritania for its excellent relations with its neighbours and its efforts regarding the protection of public freedoms and in the areas of education and health care. It praised the concrete and serious steps taken, particularly through the adoption in 2008 of a programme to eliminate the remnants of slavery and assist victims. It made a recommendation.

79. Chile highlighted the signing of a multipart agreement that had contributed to the return of constitutional law. Chile praised the process of the voluntary repatriation of refugees and the defined policies for their integration. The international community should respond to Mauritania's appeal, as indicated in the national report, for support for various high-impact development programmes to assist the country in addressing human rights challenges. Chile made recommendations.

80. Latvia noted that three special procedures mandate holders had recently visited Mauritania and that two other requests to visit the country had been agreed upon in principle. Latvia made a recommendation.

81. Burkina Faso highlighted the determination of Mauritania to comply with the principles set out in international human rights law and encouraged it to continue its work for the ratification and internalization of international conventions regarding the promotion and protection of human rights. Burkina Faso made recommendations.

82. Having carefully studied Mauritania's report, Nigeria saluted the self-imposed moratorium on the death penalty, which demonstrated the Government's willingness to guarantee the enjoyment of human rights. It also recognized the various challenges facing Mauritania, including in the areas of health, education, the environment, external debt and poor infrastructure, in fulfilling its human rights commitments. Nigeria made recommendations.

83. Ecuador noted the progress made in the protection of the family and children, as well as the decision to open an OHCHR office. Ecuador made recommendations.

84. The Sudan inquired about measures that Mauritania intended to take to address the fact that it had high death and maternal mortality rates, despite national efforts to reduce them. The Sudan made recommendations.

85. The chairperson of the National Human Rights Commission recalled that the Act of 20 July 2010 had brought the Commission fully into line with the Paris Principles. In carrying out its mandate, the Commission made unannounced visits to places of detention, investigated alleged human rights violations, carried out promotion, research and education activities in partnership with non-governmental organizations, technical and financial partners and relevant authorities, and formulated recommendations, many of which were included in the annual report it submitted to the President.

86. Although the Commission had participated in preparing the national report, it had also written its own report, in which it discussed the institutional progress achieved and the efforts made by the Government. It also, however, highlighted the constraints and obstacles that must be removed in order to ensure the full enjoyment of human rights.

87. The chairperson of the Commission also outlined those areas that should form the focus of priority action and new initiatives in creating a genuine human rights culture. He urged States and the international community to provide Mauritania with all the support that it needed.

88. Another member of the Commission stressed the importance of dialogue and consultation among majority and opposition parties on significant issues, which would help

to nurture the country's fragile democracy. He also underlined the key role of Parliament in adopting legislation to promote human rights. He noted that there were no political prisoners or prisoners of conscience in the country.

89. In closing, the delegation reaffirmed Mauritania's strong political will at the highest level to safeguard and consolidate the progress made and to continue its efforts to promote and defend human rights.

## **II. Conclusions and/or recommendations**

**90. The recommendations formulated during the interactive dialogue and listed below have been examined by Mauritania and enjoy its support:**

- 90.1. **Withdraw the reservation to CEDAW (Slovenia);**
- 90.2. **Withdraw the general reservation to CEDAW, thus facilitating the elimination of all forms of discrimination against women (Chile);**
- 90.3. **Withdraw its general reservation to CEDAW (Greece);**
- 90.4. **Complete the process of withdrawing its general reservation to CEDAW (Norway);**
- 90.5. **Do even more to fully harmonize all of its domestic laws with the international conventions that are in force (Sudan);**
- 90.6. **Enhance the capacity and the independence of the national human rights institution in order to make it more effective and operational (Côte d'Ivoire);**
- 90.7. **Support the National Human Rights Commission and encourage it to work in order to elevate its accreditation status from "B" to "A" (Algeria);**
- 90.8. **Further strengthen the National Human Rights Commission and the national commission to combat gender-based violence, and the capacities needed to secure advancement in the human rights field, particularly in the area of women's and children's rights (Norway);**
- 90.9. **Develop a comprehensive nationwide policy consistent with CEDAW; ensure true and genuine gender equality in the fight against gender-based violence, including the complete eradication of practices of female genital mutilation; and withdraw the reservation to CEDAW (Spain);**
- 90.10. **Develop a national strategy on slavery, and effectively implement all the laws relating to the abolition of slavery (Ghana);**
- 90.11. **In line with the recommendations of the CEDAW and CRC Committees, accelerate efforts in promulgating national action plans for the advancement of women and the elimination of all forms of discrimination against women, including violence against women, and finalize and adopt a national action plan on violence and abuse against children (Malaysia);**
- 90.12. **Explore ways and means aimed at instilling democratic norms, standards and principles in the country, including through continuous awareness-raising and education (Malaysia);**
- 90.13. **Continue the promotion of human rights, justice and law (Libyan Arab Jamahiriya);**

- 90.14. **Develop a national strategy on slavery, including ways to reinforce and expand public awareness-raising campaigns against traditional and modern forms of slavery (United States);**
- 90.15. **Further strengthen its cooperation with the United Nations treaty bodies by submitting overdue reports as a matter of priority, and strengthen its cooperation with the special procedures (Norway);**
- 90.16. **Continue to take steps to submit reports to treaty bodies (Azerbaijan);**
- 90.17. **Reinforce efforts to improve the situation of poverty, education, health, gender equality and advancement of women, with assistance from the international community (Bangladesh);**
- 90.18. **Make further efforts to address discrimination against women with a view to eliminating obstacles to the achievement of gender equality (France);**
- 90.19. **Cooperate fully with the Council Working Group on the elimination of discrimination against women in law and in practice (France);**
- 90.20. **Direct all programmes aimed at improving the status of women, and enhance their participation in all areas of society (Algeria);**
- 90.21. **Pursue efforts for the advancement and empowerment of women and for the integration of women's needs into development (Bahrain);**
- 90.22. **Further promote the human rights of mothers and children (Libyan Arab Jamahiriya);**
- 90.23. **Work towards further improving women's rights (Turkey);**
- 90.24. **Continue its work to promote and protect the rights of children (Burkina Faso);**
- 90.25. **Adopt a law to prohibit female genital mutilation (Senegal);**
- 90.26. **Continue its efforts to overcome the practice of female genital mutilation and other practices that affect the rights of women (Argentina);**
- 90.27. **Continue its efforts to prevent, penalize and prosecute sexual crimes perpetrated against women, girls and boys and to ensure the social rehabilitation and reintegration of the victims of such crimes (Argentina);**
- 90.28. **Follow up on the recommendations of a number of treaty bodies in order to adopt a holistic strategy to fight against policies of female genital mutilation, early marriage and forced feeding, and also combat all forms of violence against women, including possible human rights awareness-raising campaigns in cooperation with civil society (Mexico);**
- 90.29. **Strengthen efforts to enforce the criminalization of female genital mutilation (Poland);**
- 90.30. **Adopt a comprehensive national plan to combat all forms of violence against women (United Kingdom);**
- 90.31. **Further scale up the work against the harmful traditional practice of female genital mutilation (Norway);**
- 90.32. **Accelerate measures to eliminate violence against women (Azerbaijan);**
- 90.33. **End torture and inhuman and degrading treatment, and ensure that allegations of torture, ill-treatment or excessive use of force by police and**

security forces are investigated, prosecuted and convicted in line with international standards (Sweden);

90.34. Strengthen the supervision of prisons and detention facilities by allocating sufficient resources for that purpose, and increase efforts to improve their conditions so as to comply with international standards (Slovakia);

90.35. Carry out an effective and independent investigation into allegations of torture and ill-treatment as promptly as possible, with a view to bringing to justice those responsible for such acts (Switzerland);

90.36. Develop a strategy for achieving the complete eradication of the practice of slavery and all its forms and remedy its after-effects on women and children (Spain);

90.37. Take steps to eradicate slavery, slavery-like practices and related abuses and discrimination in the country (Nigeria);

90.38. Continue implementing its Programme to Eradicate the Legacy of Slavery (Pakistan);

90.39. Work towards strengthening law enforcement efforts to effectively implement its anti-slavery law (United States);

90.40. Intensify the fight against modern forms of slavery (Germany);

90.41. Expand the programme adopted in 2008 to eliminate the remnants of slavery, so that it covers the whole territory of Mauritania (Syrian Arab Republic);

90.42. Ensure that the 2007 law making slavery a criminal offence is effectively enforced and that all people suspected of slavery are properly prosecuted (Slovakia);

90.43. Further strengthen the national programme to eradicate slavery, and take measures to ensure that complaints regarding slavery are being brought before the domestic courts (Norway);

90.44. Strengthen and implement the 2007 law that criminalizes slavery through programmes existing since 2009, to eradicate the aftermath of slavery (Holy See);

90.45. Bring alleged perpetrators of slavery to justice, and ensure that victims of slavery enjoy full reparations (Switzerland);

90.46. Develop and implement a plan of action to combat trafficking in persons in order to combat all forms of exploitation that may be targeting women, children and other vulnerable groups (Senegal);

90.47. Intensify its law enforcement efforts against trafficking offenders, incorporate anti-trafficking training into its standard police curriculum, and ensure that legal aid and material assistance are made available (United States);

90.48. Strengthen measures and strategies to combat trafficking in persons, particularly slavery, and the various infringements of the rights of women, and especially girls, particularly in the area of combating female genital mutilation (Burkina Faso);

- 90.49. **Combat child labour with an emphasis on its worst forms in accordance with CRC and ILO standards, and consider seeking technical assistance from ILO on this matter (Brazil);**
- 90.50. **Enforce the judicial system and the penitentiary system with a view to eliminating the deplorable conditions of prisoners and police abuse (Holy See);**
- 90.51. **Take concrete steps to ensure continued stability in terms of the food supply chain to the country, including through bilateral and other arrangements with the international donor community (Malaysia);**
- 90.52. **Intensify all programmes to eradicate poverty in order to achieve Millennium Development Goals, with technical and material assistance from partners (Algeria);**
- 90.53. **Pursue its efforts in the area of economic development, and do not hesitate to ask for technical and material assistance in this regard (Morocco);**
- 90.54. **Redouble efforts to reduce poverty and malnutrition (Azerbaijan);**
- 90.55. **Accelerate efforts to reduce maternal and infant mortality (Azerbaijan);**
- 90.56. **Continue to seek technical and financial assistance from the international community to bolster national efforts in the enjoyment of all human rights, including the realization of the right to development (Bangladesh);**
- 90.57. **Consolidate its economic growth initiatives with the help of its technical and financial partners (Pakistan);**
- 90.58. **Continue the efforts made to expand education, in particular children's education, and accord greater importance to the spreading of the culture of human rights through the media and educational institutions (Saudi Arabia);**
- 90.59. **Continue to increase budgetary allocations in the area of the access of children to education (Azerbaijan);**
- 90.60. **Continue to invest in education, not only to maintain the high level of literacy, but also to educate the population in such a way that citizens can articulate and organize their age-old traditions with the requirements of modern urban society, and to train itself to prevent the emergence of new forms of poverty (Holy See);**
- 90.61. **Fully involve civil society in the follow-up to this universal periodic review (United Kingdom);**
- 90.62. **Seek the assistance of the international community, the United Nations and its specialized agencies to provide the country with the needed support in confronting challenges towards ensuring the promotion and protection of human rights and the attainment of its Millennium Development Goals (Nigeria);**
- 90.63. **Request the necessary assistance from various United Nations bodies in order to take up the various challenges mentioned in its national report (Burkina Faso);**
- 90.64. **Seek all possible technical and financial assistance it needs from the international community as well as OHCHR (Pakistan).**



91. The following recommendations enjoy the support of Mauritania, which considers that they have already been implemented or are in the process of implementation:

- 91.1. Adhere to main international human rights instruments so that it can continue to promote women's rights and develop programmes for the rights of children, and pursue the efforts to disseminate a human rights culture in the executive branches of the Government (Egypt);
- 91.2. Consider the ratification of and accession to the outstanding major international human rights instruments (Nigeria);
- 91.3. Bring domestic law into full compliance with CRC (Poland);
- 91.4. Continue the process of harmonizing domestic legislation with provisions of international instruments (Azerbaijan);
- 91.5. Celebrate 25 March every year as a National Day of Reconciliation in order to enhance reconciliation in the society (Qatar);
- 91.6. Develop a comprehensive operational plan for the promotion of gender equality and advancement of women, containing clear goals and timetables, as well as a mechanism for monitoring (Slovenia);
- 91.7. Carry out national information campaigns designed to promote a culture that values diversity, understanding and tolerance (Canada);
- 91.8. Continue its efforts to further accelerate its ongoing process of developing a comprehensive mechanism to further promote and protect human rights and freedoms (Sri Lanka);
- 91.9. Disseminate the provisions of CRC, and conduct public awareness-raising campaigns among local communities (Poland);
- 91.10. Strengthen its cooperation with treaty bodies (Senegal);
- 91.11. Continue its persistent efforts to promote mechanisms for the protection of the rights of children, particularly children with disabilities, and to secure their rights, and continue the implementation of programmes for children (Yemen);
- 91.12. Carry out an awareness-raising campaign to persuade citizens to abandon the female genital mutilation practice (Germany);
- 91.13. Ensure that the security forces receive clear guidance and, if needed, training, so that they can act at all times in conformity with international standards in the area of respect for the rights of peoples, in particular with regard to the right to life, the prohibition of torture and other inhuman and degrading treatment (Canada);
- 91.14. Pursue its action in the area of education, and ensure that all legal practitioners benefit from it, namely, judges, penitentiary staff and law enforcement personnel in the rule of law (United Arab Emirates);
- 91.15. Ensure that confessions obtained through torture have no value and that the new reform of the Code of Criminal Procedure is effectively carried out with respect to access to counsel and family and limits on the custody period (Sweden);
- 91.16. Strengthen or enhance efforts to put an end to corruption in public institutions (Libyan Arab Jamahiriya);

- 91.17. Continue its efforts to guarantee comprehensive coverage on its territory for preschool education (Sudan);
- 91.18. Maintain its policy regarding the high rate of primary school attendance (Angola);
- 91.19. Protect the Christian and other religious minorities by fostering a climate of religious tolerance and respect in the country (Ghana);
- 91.20. Cooperate with countries of destination in order to return illegal refugees and migrants to their countries of origin (Oman);
- 91.21. Speed up the process of repatriating Mauritians who in the past had been expelled, and granting them and their families a certificate of citizenship. Those who returned to Mauritania before the introduction of the corrective measures should also have their nationality re-established (Canada);
- 91.22. Continue efforts to ensure the voluntary return of refugees while guaranteeing their economic and social integration, and take advantage of the financial and technical assistance available to accompany its efforts (Morocco);
- 91.23. Establish an inclusive process to follow up on the universal periodic review recommendations (Norway);
- 91.24. Request the international community to support its efforts with regard to its institutional and policy reforms in the field of national unity and social cohesion, gender equality and the protection of children's rights, by sharing best practices and by providing capacity-building and technical assistance as required (Indonesia).
92. The following recommendations will be examined by Mauritania, which will provide responses in due course, but no later than the 16th session of the Human Rights Council, in March 2011. The responses of Mauritania to these recommendations will be included in the outcome report adopted by the Council at its 16th session:
- 92.1. Sign and ratify the Second Optional Protocol to CAT, and create an independent mechanism for the monitoring of detention facilities (France);
- 92.2. Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (CED), and recognize the competence of the Committee on enforced disappearance under articles 31 and 32 of the Convention (France);
- 92.3. Ratify the Optional Protocols to ICCPR, ICESCR, CAT and CEDAW, the Optional Protocol to CRC on children in armed conflict, the Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol thereto, and CED (Spain);
- 92.4. Maintain the de facto moratorium on the death penalty with a view to achieving its abolition, and ratify the Second Optional Protocol to ICCPR (Spain);
- 92.5. Ratify other important international human rights instruments, such as CRPD and the Optional Protocol thereto (Côte d'Ivoire);
- 92.6. Ratify the Optional Protocol to CAT (Switzerland);
- 92.7. Withdraw the reservation to CEDAW, ratify the Optional Protocol to the Convention, and develop a comprehensive and effective preventive strategy

against harmful traditional practices, including female genital mutilation, early marriage and *gavage* (force-feeding) (Ghana);

92.8. Withdraw its reservations to the International Covenant on Civil and Political Rights (Greece);

92.9. Accede to OP-CAT (Turkey);

92.10. Study the possibility of ratifying the following international instruments: the Optional Protocols to ICCPR, CRPD and the Optional Protocol thereto, and CED (Argentina);

92.11. Withdraw the general reservation to CRC and CEDAW (Brazil);

92.12. Withdraw reservations to CAT, ICCPR and CRC (Ecuador);

92.13. Withdraw the reservation to CEDAW, and carry out constitutional and legal reforms in accordance with the principles of CEDAW with a view to eliminating all forms of violence against women and girls that still exist in the areas of education, labour and the family, particularly adopting the measures necessary to eliminate practices such as female genital mutilation, early forced marriage, polygamy, repudiation and force-feeding (Ecuador);

92.14. Further bolster the role of the Ombudsman, and enable citizens to appeal directly to the Ombudsman without going through elected officers (Tunisia);

92.15. Set up an independent and impartial inquiry designed to monitor the progress made in the area of the eradication of the practice of discrimination and slavery, which would include civil society and non-governmental organizations that work towards fighting against discriminatory practices and slavery (Canada);

92.16. Extend open and standing invitations to the special procedures (Chile);

92.17. Issue a standing invitation to the special procedures (Brazil);

92.18. Issue a standing invitation to all United Nations special procedures (Poland);

92.19. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

92.20. Continue its efforts to ensure that women have the fullest access to education, and to enact legislation that will effectively protect them from exclusion and violence (Indonesia);

92.21. Combat gender inequality and discriminatory practices in the areas of work, the family, social roles and personal integrity, by amending vague or non-existing legislation and rules addressing pervasive stereotypes and combating practices such as female genital mutilation and *gavage* (Brazil);

92.22. Amend provisions of the Personal Status Code that discriminate against married women, in particular with regard to property, polygamy and repudiation, and repeal all discriminatory measures against women within the Mauritanian Nationality Code, as recommended by the Committee on the Elimination of Discrimination against Women (Israel);

92.23. Adopt a moratorium on the death penalty with a view to abolishing it as the final goal (France);

- 92.24. **Reconsider the possibility of imposing a moratorium on the death penalty (Algeria);**
- 92.25. **Abolish the death penalty (Brazil);**
- 92.26. **Impose an immediate moratorium on the death penalty, and commute all death sentences to imprisonment terms with a view to abolishing it entirely (Slovakia);**
- 92.27. **Adopt a de jure moratorium on executions with a view to abolishing the death penalty (Italy);**
- 92.28. **Continue suspending capital death penalties by establishing, as a first step, a moratorium on all executions, and by subsequently abolishing the death penalty completely (Switzerland);**
- 92.29. **Impose a moratorium on executions and abolish the death penalty (Greece);**
- 92.30. **Remove the death penalty and corporal punishment from Mauritanian laws, and establish special procedures for juvenile justice (Ecuador);**
- 92.31. **Adopt international human right standards to deal with the problem of female genital mutilation (Iraq);**
- 92.32. **Implement a comprehensive approach to combating all forms of violence against women, and criminalize the act of rape and other sexual crimes in the Model Penal Code, as recommended by the Committee on the Elimination of Discrimination against Women (Israel);**
- 92.33. **Clearly place sexual crimes in statute books, in accordance with international standards, and prevent discrimination against and the stigmatization of women and girls who have been the victims of such crimes and acts of violence, so that they will not be accused of adultery and be treated as criminals (Ecuador);**
- 92.34. **Reform penal legislation with a view to prohibiting torture (France);**
- 92.35. **Eradicate in law and in practice all forms of discrimination, including traditional slavery, the caste system, the racial and ethnic paradigm in State institutions and the use of ethnicity as a political tool, as noted by the Special Rapporteur on racism, and develop a national strategy on slavery, as recommended by the Special Rapporteur on slavery (Israel);**
- 92.36. **Adopt a national strategy on slavery in line with the recommendation of the Special Rapporteur on contemporary forms of slavery (United Kingdom);**
- 92.37. **Base itself on the cases of certain countries, such as Brazil, in order to eradicate the vestiges of slavery (Angola);**
- 92.38. **Adopt the measures necessary to abolish the caste system, given that, in many cases, it is conducive to the enduring existence of various forms of slavery (Ecuador);**
- 92.39. **Eradicate in law and in practice corporal punishment and the amputation of limbs, child abuse and neglect, female genital mutilation, forced and early marriage, and the forced feeding of girls, as well as issues related to birth registration, and seek technical assistance from United Nations agencies in this regard, as recommended by the Committee on the Rights of the Child (Israel);**

- 92.40. Take measures to reduce widespread child labour and trafficking in children, to raise the age of criminal responsibility and to eradicate corporal punishment of children (Norway);
- 92.41. Step up the fight against trafficking in persons and the unlawful smuggling of migrants through various modalities (Ecuador);
- 92.42. Reinforce the legal framework for the protection of children, and remove the provision in the penal code establishing the age of criminal responsibility as 7 years old, as well as the corporal punishment of children, including flagellation and amputation (France);
- 92.43. Increase, in accordance with international standards, the minimum age of criminal responsibility, as well as the harmonization of domestic legislation with international norms in the area of child labour (Mexico);
- 92.44. Take steps to make the judiciary more representative of Mauritanian society in terms of ethnic and social origin, language and gender (United Kingdom);
- 92.45. Bring the minimum criminal age of responsibility and the minimum age for marriage into line with CRC, and ban any form of corporal punishment (Spain);
- 92.46. Carry out a review of norms and practices relating to freedom of belief in order to harmonize domestic laws with international standards established under ICCPR (Mexico);
- 92.47. Further simplify the process of media registration and lower fees for broadcasting licensing (Slovakia).
93. The recommendations below did not enjoy the support of Mauritania:
- 93.1. Ratify the Rome Statute of the International Criminal Court (Ecuador);
- 93.2. Include sexual orientation and gender identity in non-discrimination laws and programmes, and promote tolerance and non-discrimination regarding sexual orientation or identity, in line with the Yogyakarta principles (Sweden);
- 93.3. Remove the provisions of the penal code that allow the punishment of the death penalty for homosexuality, as soon as possible (France);
- 93.4. Ensure that the death penalty is not applied to consensual same-sex relations between adults, and that the Penal Code does not criminalize such activity (Sweden).
94. The conclusions and/or recommendations contained in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Mauritania was headed by Mohamed Abdallahi Ould Khattra, Commissaire aux Droits de l'Homme, à l'Action Humanitaire et aux Relations avec la Société Civile, and was composed of the following members:

#### Délégation officielle

- Ahmedou Tidjane Bal: Chargé de mission (Présidence de la République)
- Cheikh Ahmed Ould Zahav: Ambassadeur, Représentant Permanent de la Mauritanie auprès de l'Office des Nations Unies et des organisations internationales à Genève
- Mariata Kane: Directrice des Affaires Pénales et de l'Administration Pénitentiaire (Ministère de la Justice)
- Mohamed Yahya Ould Sidi Haiba: Directeur des Affaires Juridiques et Consulaires (Ministère des Affaires Etrangères et de la Coopération)
- Cheikh Tourad Ould Mohamed: Directeur des Droits de l'Homme, Commissariat aux Droits de l'Homme, à l'Action Humanitaire et aux Relations avec la Société Civile

#### Délégation représentant la CNDH

- Bamariam Baba Koita: Président de la Commission Nationale des Droits de l'Homme
- Boubacar Ahmedou Ghaddour: Sénateur, Membre de la Commission Nationale des Droits de l'Homme

#### Représentants des ONG

- Me Bilal Ould Abdel Barka: Avocat
- Mme Vatma El Kory Oumrane: Présidente de l'ONG NTIC et Citoyenneté – Maurifemme

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