



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-seventh session
18–29 January 2021

Compilation on Mauritania

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Human Rights Committee recommended that Mauritania consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.³

3. The Committee on the Rights of the Child recommended that Mauritania ratify the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on a communications procedure. It also encouraged Mauritania to withdraw its general reservation to the Convention on the Rights of the Child.⁴

4. The Committee on the Elimination of Racial Discrimination recommended that Mauritania ratify and implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). It also recommended that Mauritania ratify the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted in 1992.⁵

5. The Human Rights Committee noted with regret that Mauritania would maintain its reservations to articles 18 and 23 (4) of the International Covenant on Civil and Political Rights, under which those articles were applicable only to the extent that they did not affect the prescriptions of sharia law.⁶



6. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families observed that Mauritania had not yet acceded to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights or the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁷

7. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Mauritania ratify the Convention against Discrimination in Education.⁸

8. The Office of the High Commissioner for Human Rights (OHCHR) stated that it had opened an office in Mauritania in December 2010 and had been able to carry out its mandate fully in cooperation with the Government.⁹ The Office's mandate in Mauritania had been set out in a memorandum of understanding with the Government signed on 22 September 2009, which gave OHCHR broad powers to act, including in the areas of monitoring, reporting and technical cooperation, for an unspecified period of time.¹⁰

III. National human rights framework¹¹

9. In the light of its general recommendation No. 33 (2009), the Committee on the Elimination of Racial Discrimination recommended that, when implementing the International Convention on the Elimination of All Forms of Racial Discrimination in its domestic legal order, Mauritania give effect to the Durban Declaration and Programme of Action, adopted in 2001, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009.¹²

10. The Committee on the Rights of the Child recommended that Mauritania strengthen the interministerial technical committee mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as to coordinate and track national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasized that the interministerial technical committee should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.¹³

11. The Human Rights Committee noted with concern that, despite the amendments introduced to Organic Act No. 2017-016 of 2017 on the composition, organization and functioning of the National Human Rights Commission, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions had recommended in 2017 that the Commission should be downgraded to B status, principally owing to the lack of transparency in its selection process and its real or perceived lack of independence from the executive. The Committee recommended that Mauritania take all necessary steps, including the adoption of legislative measures, to bring the Commission into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It recommended, in particular, that Mauritania ensure that the process for selecting and appointing its members was clear, transparent and participatory, and that Mauritania provide the Commission with sufficient resources and capacity, as well as full autonomy to carry out its mandate effectively.¹⁴

12. The Committee against Torture recommended that Mauritania take the necessary measures, including at the legislative level, to guarantee that: (a) members of the national mechanism for the prevention of torture were appointed following a transparent, inclusive and participatory process and that the national mechanism could recruit its own staff, including its Secretary General; (b) members of the national mechanism received an adequate salary; and (c) the national mechanism had genuine budgetary independence and the resources needed to effectively fulfil its mandate, including the resources needed to introduce a programme of regular, unannounced visits to places of detention.¹⁵

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁶

13. The Committee on the Elimination of Racial Discrimination noted that, while Mauritania had adopted a law that criminalized discrimination in 2018, several special procedure mandate holders had jointly criticized the absence of a definition of discrimination that was fully consistent with the International Convention on the Elimination of All Forms of Racial Discrimination, the lack of legal clarity in many of the law's provisions, which could give rise to interpretations potentially leading to restrictions on the enjoyment of certain human rights and the persistence of discriminatory practices, and the fact that the law afforded insufficient legal protections.¹⁷

14. The Human Rights Committee recommended that Mauritania amend Act No. 2018-023 to bring it fully into line with the International Covenant on Civil and Political Rights by incorporating a definition of discrimination, both direct and indirect, including in the private sphere, that contained an exhaustive list of the grounds for discrimination enumerated in the Covenant and covered sexual orientation and gender identity. It also recommended that Mauritania ensure that the Act provided sufficient guarantees of effective civil and administrative remedies for any type of discrimination. Moreover, it recommended repealing article 308 of the Criminal Code in order to decriminalize sexual relations between consenting adults of the same sex and releasing anyone currently detained under that article.¹⁸

15. The same Committee was concerned at the persistence of traditional social structures and cultural prejudices that continued to stoke racial discrimination and to marginalize the Haratine and black African (Halpular, Soninké and Wolof) communities, particularly in terms of access to education, employment, housing, health care, social services, land and natural resources. The Committee was also concerned at reports that the representation of those communities in political and public affairs remained very limited, including in leadership and decision-making positions in public administration, the army and the police, in elective office at the national level and in the private sector and the media.¹⁹

16. The Committee on the Elimination of Racial Discrimination recommended that Mauritania improve the representation of the black African and Haratine communities in all spheres of political, public and social life and in the private sector, including in elective office and decision-making positions in executive bodies, public administration, the army, the police and the media. It also recommended stepping up the implementation of special measures in respect of the black African and Haratine communities in order to promote their full integration into society, particularly in education, employment and health care.²⁰

17. The same Committee was concerned that article 8 of the Nationality Code (Act No. 1961-112 of 1961) and articles 13 and 16 of Act No. 2010-023 of 2010, which repealed and replaced certain provisions of the 1961 Act, established different rules for men and women with respect to the transmission of nationality to children born abroad and to spouses of foreign origin. It recommended that Mauritania ensure that Mauritanian men and women had equal rights with respect to the transmission of nationality to children and spouses.²¹

2. Human rights and counter-terrorism²²

18. The Committee against Torture was concerned that Act No. 2010-035 on combating terrorism had not yet been amended to restrict the vague scope of the definition of terrorist acts, as recommended in the assessment of the United Nations Counter-Terrorism Committee Executive Directorate. The Committee against Torture was also concerned at reliable reports that suspects of terrorism were often arrested and held in incommunicado detention in unofficial places of detention and subjected to torture in order to extract confessions. Notwithstanding the fact that Mauritania denied the existence of unofficial

places of detention, the Committee noted with concern that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had been denied access to one such facility during his visit to Mauritania.²³

19. The Human Rights Committee recommended that Mauritania amend article 3 of Act No. 2010-035 on combating terrorism to bring it fully into line with international standards, and ensure that no one was held in incommunicado detention or in a place not officially recognized as a place of detention.²⁴

B. Civil and political rights

1. Right to life, liberty and security of person²⁵

20. While taking note of the de facto moratorium observed by Mauritania since 1987, the Human Rights Committee was concerned at the large number of offences that still carried the death penalty, including some that did not fall within the category of the most serious crimes, i.e. those involving intentional killing. The Committee regretted the recent amendment to article 306 of the Criminal Code rendering the death penalty mandatory in cases of “blasphemous remarks” and “sacrilege”, with no possibility for those concerned to repent or appeal. It further regretted that the death penalty continued to be handed down by the courts and that stays of execution were dependent on pardons granted on a case-by-case basis. Moreover, the Committee remained concerned that the Criminal Code provided for execution by stoning. It recommended that Mauritania: (a) amend the Criminal Code in order to bring it fully into line with article 6 (2) of the International Covenant on Civil and Political Rights and to limit the crimes subject to the death penalty to the most serious crimes, involving intentional killing; (b) remove from the Criminal Code all references to stoning as a method of execution; (c) commute the sentences of prisoners currently on death row to imprisonment; and (d) initiate a political and legislative process aimed at the abolition of the death penalty and carry out public advocacy efforts and campaigns to promote that objective.²⁶

21. The Special Rapporteur on torture had received numerous credible testimonies from detainees and other individuals in contact with law enforcement about the use of torture and other ill-treatment, particularly in the early stages of arrest and detention. Aspects of the “culture of torture” that had characterized the military regimes remained in police and gendarmerie units, which had few means of conducting serious investigations and often resorted to ill-treatment to extract confessions.²⁷

2. Administration of justice, including impunity, and the rule of law²⁸

22. The Special Rapporteur on torture noted that conditions of detention often amounted to cruel, inhuman or degrading treatment. Severe overcrowding affected the living conditions of inmates. Detainees were often faced with inadequate access to health care, including dental and psychiatric support, insufficient nutrition and water (both in terms of quantity and quality), almost complete lack of work and education opportunities, as well as insufficient access to sun, fresh air and recreational activities.²⁹

23. The Committee against Torture recommended that Mauritania ensure that all reported acts of torture or ill-treatment were investigated promptly and impartially by an independent body; that there was no institutional or hierarchical relationship between the investigators and the suspected perpetrators; and that suspected perpetrators were duly brought before a court and, if found guilty, sentenced to punishment commensurate with the gravity of their acts. It also recommended that Mauritania ensure that the authorities launched investigations whenever there were reasonable grounds to believe that an act of torture or ill-treatment had been committed.³⁰

24. The Committee on the Elimination of Racial Discrimination was concerned about the fact that Mauritania had never taken steps to ensure that those responsible for the killings and disappearances of black African soldiers during the events of 1989–1991 were held accountable, nor had it awarded adequate compensation to the victims or their beneficiaries. The Committee found it regrettable that Mauritania had granted an amnesty

by adopting Act No. 93-23 of 1993, under which those responsible for the human rights violations that had taken place during those events could not be held accountable.³¹

25. The Human Rights Committee recommended that Mauritania definitively resolve the humanitarian consequences of the events of 1989 to 1991, in particular by repealing Act No. 93-23 in order to establish the facts of the offences, prosecute and appropriately punish those responsible and award full reparation to all the victims and their beneficiaries.³²

3. Fundamental freedoms³³

26. The Human Rights Committee was concerned that the exercise of the freedom of conscience and religion was not formally guaranteed for Muslim Mauritians, for whom a change of religion was classified as apostasy and punishable by the death penalty. It recommended that Mauritania amend legislative provisions that violated freedom of thought, conscience and religion, and freedom of expression, so as to comply with the requirements of the International Covenant on Civil and Political Rights. It also recommended guaranteeing to all, without exception, including non-believers and those who changed religion, full enjoyment of freedom of thought, conscience and religion.³⁴

27. A group of human rights experts had urged the Mauritanian authorities to reconsider the adoption of an amendment to the Criminal Code that provided for the death penalty for blasphemy and apostasy, in grave violation of international law. Article 306 of the Code, as revised, provided that any Muslim person guilty of apostasy or blasphemy would be condemned to death immediately on arrest, without any possibility of submitting a request for clemency based on repentance. The article had previously imposed the death penalty for apostasy or blasphemy, but required a prison sentence in the case of repentance. The amendment had been passed by Parliament in 2018 and was pending promulgation. The Mauritanian authorities were urged not to promulgate revised article 306 of the Criminal Code and to review it to bring it into line with international human rights law.³⁵

28. The Human Rights Committee was concerned that a number of vague legal provisions, for instance in the Acts on the criminalization of discrimination, on cybercrime, on combating terrorism and on freedom of the press, set excessive content-based restrictions on speech. It was also concerned about a number of articles of the Criminal Code that criminalized activities tied to the exercise of freedom of expression, such as apostasy, blasphemy and defamation. It was further concerned at claims that those criminal provisions were being used to impede the work of journalists and human rights defenders and to restrict their freedom of expression, and at reports that human rights defenders had been intimidated, harassed or arbitrarily detained, as had been the case of Mohamed Cheikh Ould Mkhaitir, who had recently been released after spending more than five years in detention for criticizing the use of Islam to justify racial discrimination and slavery. The Committee recommended that Mauritania refrain from intimidating, harassing, arresting, detaining and prosecuting human rights defenders on the basis of loosely defined offences for exercising their right to freedom of expression. It also recommended releasing unconditionally all human rights defenders who were being arbitrarily detained, and ensuring that all human rights violations committed against human rights defenders were thoroughly and impartially investigated as quickly as possible, that those responsible were prosecuted and sentenced to penalties commensurate with the gravity of their acts, and that the victims obtained redress.³⁶

29. The same Committee recommended that Mauritania ensure that all allegations of excessive use of force and extrajudicial killings by State agents during demonstrations were investigated promptly, thoroughly and impartially, that those responsible were prosecuted and, if found guilty, punished, and that the victims obtained redress. It also recommended ensuring that legislative and regulatory provisions governing the use of force complied with international standards, and ensuring that law enforcement officials applied non-violent measures before any use of force when conducting demonstration control operations, and that they respected the principles of legality, necessity, proportionality and accountability.³⁷

30. The same Committee was concerned that non-governmental organizations and associations for the defence of human rights were required to obtain prior authorization and that some faced administrative obstacles in doing so, which forced them to operate

underground. It recommended that Mauritania review the bill on associations with a view to ensuring its compatibility with the International Covenant on Civil and Political Rights. It also recommended adopting a declaratory system for the registration of non-governmental organizations and associations for the defence of human rights, including those working to combat racial discrimination or slavery-like practices.³⁸

4. Prohibition of all forms of slavery³⁹

31. The Committee on the Elimination of Racial Discrimination was concerned about the persistence of situations of slavery and of prejudices in that regard that were deeply rooted in certain traditions, the lack of data with which to gauge the full extent of slavery-like practices, and the difficulties that persons subjected to slavery encountered in becoming reintegrated into society because they did not have identity papers or access to employment, education or landownership, including ownership of their parents' land, and were thus at risk of having no choice but to return to situations of slavery. It recommended that Mauritania: (a) collect data on the extent to which situations of slavery still existed and intensify its efforts to eliminate all vestiges of such situations, in particular by ensuring the effective application of Act No. 2015-031 criminalizing slavery and penalizing slavery-like practices; (b) intensify its awareness-raising campaigns on the 2015 Act among the general public, especially those groups that were most at risk of falling victim to such practices, and among judges, lawyers and law enforcement officers and religious and community leaders, and overcome traditions and prejudices that justified such practices; (c) ensure that the history textbooks used in school curricula reflected the contributions of population groups that had been victims of slavery; (d) accelerate the full implementation of the recommendations contained in the road map for the implementation of the recommendations of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, and regularly assess such implementation in consultation with the communities concerned; and (e) ensure, in the implementation of the road map, that persons who had been freed from situations of slavery had access to identity documents, employment, education and landownership, that they could inherit land and that land was allocated to them.⁴⁰

32. The same Committee recommended that Mauritania ensure that victims of slavery were effectively able to file complaints without being subjected to any form of pressure and that such complaints were registered, investigations were conducted, cases were prosecuted and perpetrators were sentenced to penalties that were commensurate with the gravity of the offence. It also recommended that the State provide the three specialized courts in Nouakchott, Nouadhibou and Néma with enough financial and human resources to enable them to function properly.⁴¹

33. The Committee on the Rights of the Child recommended that Mauritania: (a) ensure the effective implementation of the Trafficking in Persons Act, including by promoting the reporting of child trafficking incidents, including among groups in vulnerable situations, and ensuring that protection measures for victims extended to children of all nationalities; and (b) integrate a comprehensive child rights perspective into the next action plan on combating trafficking in persons with a view to developing further prevention, protection and prosecution measures to combat the sexual and labour exploitation, sale, abduction of, and trafficking in, children and, in doing so, seek technical assistance from relevant United Nations agencies and civil society.⁴²

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁴³

34. The Committee on Migrant Workers recommended that Mauritania, in line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, provide protection, in law and in practice, for the labour rights of all migrant workers living in the country. It also recommended that Mauritania ensure that labour inspectors were independent of other entities, particularly the immigration service, so that migrant workers could report cases of ill-treatment and exploitation to the

authorities responsible for labour matters without fear of attracting the attention of the immigration service.⁴⁴

35. The same Committee was concerned that migrant workers were often victims of forced labour, abuse and other forms of exploitation, such as inadequate pay or excessive working hours. It noted with concern the situation of migrant women in an irregular situation employed as domestic workers, who were vulnerable not only to exploitation but also to prostitution. The Committee was concerned about the lack of information on action taken against employers who made use of forced labour or who engaged in other forms of exploitation.⁴⁵

36. The Committee on the Rights of the Child urged Mauritania to: (a) expeditiously adopt the draft legislation aimed at prohibiting the worst forms of child labour, ensuring that it was in line with the Convention on the Rights of the Child, and allocate sufficient human, technical and financial resources for the implementation of laws and policies on child labour; (b) intensify its efforts to eliminate child labour, particularly in domestic work and agricultural and mining activities, and enforce the prohibition of employment of children under 16 years of age in both the formal and informal sectors; and (c) take measures to remove *talibe* from the control of marabouts who exploited and mistreated them, and fully implement legislation prohibiting the exploitation of children for begging, including by promptly investigating, prosecuting and punishing perpetrators accordingly.⁴⁶

2. Right to an adequate standard of living⁴⁷

37. Concerned about the high number of children living in poverty, the Committee on the Rights of the Child drew the attention of Mauritania to target 1.3 of the Sustainable Development Goals, on implementing nationally appropriate social protection systems and measures for all, and recommended that Mauritania intensify its efforts to improve the standard of living of children as a matter of priority, paying particular attention to housing, nutrition, water and sanitation. It urged Mauritania to allocate sufficient funds for the expansion of its national cash transfer programme and the implementation of its multisectoral strategic plan on nutrition, focusing on families with several children, refugee families and families living in rural and remote areas.⁴⁸

3. Right to health⁴⁹

38. The Human Rights Committee recommended that Mauritania amend its legislation to provide safe access to abortion in order to protect the lives and health of pregnant women and girls in situations in which carrying a pregnancy to term would cause the woman substantial suffering, especially when the pregnancy was the result of rape or incest or was not viable. Furthermore, it recommended ensuring that women and girls who had abortions, and the physicians assisting them, were not subject to criminal penalties.⁵⁰

39. The Committee on Migrant Workers noted the paucity of information received regarding the access of migrant workers and members of their families to medical care. It recommended that Mauritania provide information on the ability of all migrant workers and members of their families, irrespective of their migration status, to enjoy, in law and in practice, access to medical care, including the emergency medical care needed to save their lives or avoid irreparable harm to their health, on the basis of equality of treatment with nationals.⁵¹

4. Right to education⁵²

40. UNESCO recommended that Mauritania: enshrine the right to education for all in the Constitution; consider extending compulsory education to 9 years and free education to 12 years, in line with Sustainable Development Goal 4, ensuring that the hidden costs of education are eliminated; raise the legal age of marriage to 18 years or, exceptionally, 16 years if authorized by a judge and on legitimate exceptional grounds; improve the accessibility of good quality public education, including through the construction of new school facilities and infrastructure; and submit regular periodic reports on the implementation of the UNESCO instruments.⁵³

41. The Committee on the Rights of the Child recommended that Mauritania: (a) enhance efforts to increase the quality of education, including by providing continuous training to teachers, constructing and improving educational facilities and schools, including in rural areas, and strengthening vocational education programmes; (b) increase access to secondary education; (c) adopt and implement national standards and technical regulations on water, sanitation, hygiene and nutrition for all educational institutions, including Qur'anic schools, and establish monitoring mechanisms and tools for their enforcement; and (d) develop a policy aimed at monitoring the quality of Qur'anic schools, particularly in terms of their structure, management and curricula.⁵⁴

D. Rights of specific persons or groups

1. Women⁵⁵

42. The Committee on the Elimination of Racial Discrimination recommended that Mauritania put an end to harmful customary practices that prevented women and girls from fully enjoying their rights, in particular the right to own and inherit land. The Committee called upon Mauritania to revise the Personal Status Code and to carry out awareness-raising campaigns for the general public, including traditional and religious leaders, on equal rights for men and women. It also recommended that Mauritania strengthen its actions to promote education and reduce illiteracy and school dropout rates among girls belonging to the Haratine and black African ethnic groups.⁵⁶

43. The Human Rights Committee recommended that Mauritania: (a) promote the enactment of the bill on gender-based violence and speed up the adoption of a new national action plan on gender-based violence; (b) introduce a definition of the offence of rape, referred to in article 309 of the Criminal Code, in a manner consistent with international human rights standards; (c) step up efforts to investigate cases of violence against women, in the private and public spheres alike, and to prosecute and punish those responsible; (d) take steps so that women victims of rape were not prosecuted for adultery (*zina*); and (e) ensure that protection measures, assistance and effective remedies were available and accessible to all women victims of violence.⁵⁷

44. Although the overall prevalence of female genital mutilation had fallen in recent years, the Human Rights Committee remained concerned by its persistence on a major scale in some regions and among some ethnic groups. Furthermore, the Committee noted with deep concern that child marriage remained very common, despite the implementation of the national action plan to promote the end of child marriage for the period 2014–2016 and associated activities.⁵⁸

45. The Committee on the Rights of the Child urged Mauritania to amend its legislation, including its Personal Status Code, in order to prohibit marriage under the age of 18 years, without exception, and to take all necessary measures to eliminate child marriages under any circumstances.⁵⁹

46. The Human Rights Committee recommended that Mauritania pursue its efforts to improve, in practice and within a reasonable time frame, the representation of women, especially Haratine and black African women, in political and public affairs, particularly in the judiciary, diplomacy and high public office. It also recommended amending the discriminatory provisions of the Personal Status Code and the Nationality Code with the aim of giving full effect to the principle of gender equality enshrined in the Constitution and the International Covenant on Civil and Political Rights.⁶⁰

2. Children⁶¹

47. The Committee on the Rights of the Child urged Mauritania to: (a) prioritize the adoption of a comprehensive strategy to eliminate all forms of discrimination against girls and against children from disadvantaged or vulnerable groups, including children living in slavery or in slavery-like conditions, children from minority groups, children with disabilities and children in street situations; and (b) intensify its efforts to eliminate discrimination against girls and against children from disadvantaged or vulnerable groups,

in close cooperation with civil society, the media and community and religious leaders, through awareness-raising programmes aimed at creating an enabling environment that promoted equality among children.⁶²

48. The same Committee urged Mauritania to: (a) ensure that allegations concerning children living in slavery were effectively investigated and, if proven, that the children concerned were freed, received adequate reparation and support to return to their families and that the perpetrators were prosecuted and punished with sanctions commensurate with the gravity of their crimes; (b) ensure the social integration of children who had formerly been slaves and facilitate their access to education and to health and social services; and (c) conduct awareness-raising campaigns to change public perceptions about the use of children as domestic or agricultural workers or as brides in forced child marriages, so that members of the public understood that such practices were illegal and constituted forms of child slavery.⁶³

3. Persons with disabilities

49. The Committee on the Rights of the Child urged Mauritania to adopt a human rights-based approach to disability and: (a) ensure that all children with disabilities, including those in rural and remote communities, had access to adequate health-care and mental health services, including early detection and intervention programmes; and (b) guarantee all children with disabilities the right to inclusive education in mainstream schools, ensure that inclusive education was given priority over the placement of children in specialized educational institutions and classes, and train and assign specialized teachers and professionals working in integrated classes to support children with learning difficulties.⁶⁴

4. Migrants, refugees and asylum seekers⁶⁵

50. The Committee on Migrant Workers urged Mauritania to: (a) ensure that the labour inspectorate monitored the working conditions of migrant workers in both regular and irregular situations more consistently by extending the application of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to the informal sector, including domestic work, and systematically reporting cases of abuse to the authorities, in accordance with target 8.8 of the Sustainable Development Goals; (b) ensure that all migrant workers, particularly migrant women employed as domestic workers, had access to effective mechanisms for filing complaints against persons who exploited them and violated their rights and that such workers were duly informed of the available procedures for ensuring that perpetrators were punished and that victims obtained redress; and (c) step up its efforts to apply its legal provisions and impose fines and other more severe penalties on employers who broke the law.⁶⁶

51. The Committee on the Elimination of Racial Discrimination recommended that Mauritania intensify its efforts to find sustainable solutions for the resettlement of all Mauritanian returnees from a third country in economic and social life, including by promoting their access to employment, education and health care and expediting their reinstatement in the administration, access to landownership and receipt of civil status documents, including for children. It also recommended that Mauritania expedite the adoption of the bill on the right to asylum in Mauritania.⁶⁷

52. While welcoming the ongoing cooperation with OHCHR and other United Nations agencies to provide assistance to refugee and migrant children residing in the Mbera camp, the Committee on the Rights of the Child noted with concern that refugee and migrant children living outside of the Mbera camp were not receiving the necessary protection and services and were being subjected to various forms of exploitation. It also noted with concern the detention of asylum-seeking, refugee and migrant children for immigration-related purposes, as well as reports of Malian refugee children allegedly being recruited by non-State armed groups to participate in the armed conflict in Mali.⁶⁸

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Mauritania will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/MRIndex.aspx.
- ² For relevant recommendations, see A/HRC/31/6, paras. 127.1, 128.1–128.2, 128.4, 128.6 and 129.1–129.23.
- ³ CCPR/C/MRT/CO/2, para. 25. See also CRC/C/MRT/CO/3-5, para. 47.
- ⁴ CRC/C/MRT/CO/3-5, paras. 5 and 46–47.
- ⁵ CERD/C/MRT/CO/8-14, paras. 24, 31 and 36.
- ⁶ CCPR/C/MRT/CO/2, para. 6.
- ⁷ CMW/C/MRT/CO/1, para. 14.
- ⁸ UNESCO submission for the universal periodic review of Mauritania, para. 10.
- ⁹ OHCHR, *United Nations Human Rights Report 2019*, p. 236.
- ¹⁰ OHCHR, “OHCHR in the field”, in *OHCHR Report 2009*, pp. 72 and 159.
- ¹¹ For relevant recommendations, see A/HRC/31/6, paras. 126.1–126.4 and 126.7–126.21.
- ¹² CERD/C/MRT/CO/8-14, para. 32.
- ¹³ CRC/C/MRT/CO/3-5, para. 50.
- ¹⁴ CCPR/C/MRT/CO/2, paras. 8–9.
- ¹⁵ CAT/C/MRT/CO/2, para. 31.
- ¹⁶ For relevant recommendations, see A/HRC/31/6, paras. 126.16–126.17, 127.30, 128.6, 129.37, 129.51 and 129.53–129.54.
- ¹⁷ CERD/C/MRT/CO/8-14, para. 7.
- ¹⁸ CCPR/C/MRT/CO/2, para. 13.
- ¹⁹ *Ibid.*, para. 14.
- ²⁰ CERD/C/MRT/CO/8-14, para. 12.
- ²¹ *Ibid.*, paras. 21–22.
- ²² For relevant recommendations, see A/HRC/31/6, paras. 126.73, 127.57 and 127.60.
- ²³ CAT/C/MRT/CO/2, para. 10.
- ²⁴ CCPR/C/MRT/CO/2, para. 35.
- ²⁵ For relevant recommendations, see A/HRC/31/6, paras. 126.36, 129.36 and 129.38–129.46.
- ²⁶ CCPR/C/MRT/CO/2, paras. 24–25.
- ²⁷ A/HRC/34/54/Add.1, para. 18.
- ²⁸ For relevant recommendations, see A/HRC/31/6, paras. 126.21–126.23, 126.31, 127.6, 127.15, 127.36, 127.39 and 129.48.
- ²⁹ A/HRC/34/54/Add.1, para. 114.
- ³⁰ CAT/C/MRT/CO/2, para. 15.
- ³¹ CERD/C/MRT/CO/8-14, para. 25.
- ³² CCPR/C/MRT/CO/2, para. 11.
- ³³ For relevant recommendations, see A/HRC/31/6, paras. 127.11, 127.55, 129.27–129.29, 129.35 and 129.52.
- ³⁴ CCPR/C/MRT/CO/2, paras. 40–41.
- ³⁵ Letter dated 14 May 2018 from the Special Rapporteur in the field of cultural rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on freedom of religion or belief addressed to the Permanent Mission of Mauritania to the United Nations Office and other international organizations in Geneva. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23827>. See also CCPR/C/MRT/CO/2, para. 41.
- ³⁶ CCPR/C/MRT/CO/2, paras. 42–43.
- ³⁷ *Ibid.*, para. 45.
- ³⁸ *Ibid.*, paras. 46–47.
- ³⁹ For relevant recommendations, see A/HRC/31/6, paras. 126.21, 126.53–126.57, 126.59, 127.7, 127.24–127.25, 127.27–127.36, 127.38–127.40, 127.42–127.49, 127.51, 127.62 and 129.51.
- ⁴⁰ CERD/C/MRT/CO/8-14, paras. 13–14.
- ⁴¹ *Ibid.*, para. 16.
- ⁴² CRC/C/MRT/CO/3-5, para. 43.
- ⁴³ For relevant recommendations, see A/HRC/31/6, paras. 126.64, 127.57 and 127.59.
- ⁴⁴ CMW/C/MRT/CO/1, para. 43.
- ⁴⁵ *Ibid.*, para. 30.
- ⁴⁶ CRC/C/MRT/CO/3-5, para. 41.
- ⁴⁷ For relevant recommendations, see A/HRC/31/6, paras. 126.61–126.62 and 127.58.

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- ⁴⁸ CRC/C/MRT/CO/3-5, para. 34.
- ⁴⁹ For relevant recommendations, see A/HRC/31/6, paras. 126.65–126.70.
- ⁵⁰ CCPR/C/MRT/CO/2, para. 23.
- ⁵¹ CMW/C/MRT/CO/1, paras. 44–45.
- ⁵² For relevant recommendations, see A/HRC/31/6, paras. 126.26–126.27, 126.71–126.72, 127.61 and 127.63.
- ⁵³ UNESCO submission, para. 10. See also CRC/C/MRT/CO/3-5, para. 36.
- ⁵⁴ CRC/C/MRT/CO/3-5, para. 36.
- ⁵⁵ For relevant recommendations, see A/HRC/31/6, paras. 126.14, 126.33–126.34, 126.38, 126.41, 126.44, 126.47, 126.60, 127.16–127.17 and 127.21–127.22.
- ⁵⁶ CERD/C/MRT/CO/8-14, para. 20.
- ⁵⁷ CCPR/C/MRT/CO/2, para. 19.
- ⁵⁸ *Ibid.*, para. 20.
- ⁵⁹ CRC/C/MRT/CO/3-5, para. 16.
- ⁶⁰ CCPR/C/MRT/CO/2, para. 17.
- ⁶¹ For relevant recommendations, see A/HRC/31/6, paras. 126.18, 126.46, 126.49, 127.15, 127.19 and 127.52–127.53.
- ⁶² CRC/C/MRT/CO/3-5, para. 18.
- ⁶³ *Ibid.*, para. 24.
- ⁶⁴ *Ibid.*, para. 31.
- ⁶⁵ For the relevant recommendation, see A/HRC/31/6, para. 129.55.
- ⁶⁶ CMW/C/MRT/CO/1, paras. 30–31.
- ⁶⁷ CERD/C/MRT/CO/8-14, para. 24.
- ⁶⁸ CRC/C/MRT/CO/3-5, para. 38.
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