

# Joint Submission to the Human Rights Council at the 37<sup>th</sup> Session of the Universal Periodic Review.

## MAURITANIA

### Introduction

1. Association des femmes chefs de Famille (AFCF), SOS-Esclaves (SOS), Anti-slavery International (ASI), Minority Rights Group International, the Global Campaign for Equal Nationality Rights and the Institute on Statelessness and Inclusion (ISI) make this joint submission to the Universal Periodic Review (UPR), on the right to a nationality and human rights challenges pertaining to statelessness, as well as challenges related to racial discrimination and slavery in Mauritania.
2. **Association des femmes chefs de famille** is a non-partisan, non-profit association, legally constituted in 1999 and based in Mauritania. It works for the promotion of human rights in general and the rights of women and children in particular. AFCF takes part in all actions or activities aimed at the promotion and protection of human rights at the national, regional and international level. One of its primary missions is to combat all forms of discrimination based on gender, race or social status in Mauritania, to promote and protect the human rights of groups excluded from society, in particular women, children and victims of slavery.<sup>1</sup>
3. **SOS-Esclaves** has led the fight against slavery by descent in Mauritania for over 25 years. The organisation aims to highlight the realities of this practice, to challenge its acceptance among the population, and to defend the rights of victims who try to escape slavery. It also fights discrimination against people who are descendants of slaves and racial discrimination, and all forms of violations of human rights. SOS-Esclaves has the status of observer member of the African Commission on Human and Peoples' Rights status of observer member of the African Committee of Experts on the Rights and Welfare of the Child<sup>2</sup>.
4. **Anti-Slavery International**, founded in 1839, works to eliminate all forms of slavery around the world. Slavery, servitude and forced labour violate individual freedoms and deprive millions of people of their dignity and fundamental rights. Anti-Slavery International is taking action around the world locally, nationally and internationally to end slavery. Anti-Slavery International has consultative status with the United Nations Economic and Social Council

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<sup>1</sup> For more information, please visit: <http://afcf-rim.com/fr/>

<sup>2</sup> For more information, please visit: <https://www.endslaverynow.org/sos-esclaves-mauritanie>

(ECOSOC).<sup>3</sup>

5. **Minority Rights Group International** is a non-governmental organisation that has worked for over 50 years to guarantee the rights of ethnic, religious and linguistic minorities around the world and to promote cooperation and understanding between communities. MRG has ECOSOC consultative status and Observer Status with the African Commission on Human and Peoples' Rights.<sup>4</sup>
6. **The Global Campaign for Equal Nationality Rights** mobilises international action for the removal of gender-discriminatory provisions from all nationality laws, through its coalition of national, regional and international organisations and activists, including steering committee members Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission.<sup>5</sup>
7. **The Institute on Statelessness and Inclusion** is an independent non-profit organisation dedicated to promoting an integrated, human rights-based response to the injustice of statelessness and exclusion. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. The Institute has made nearly 70 country-specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 36th UPR Sessions.<sup>6</sup>
8. This submission focuses on
  - I. Gender discrimination in the nationality law of Mauritania;
  - II. The child's right to nationality, birth registration practices and the risk of statelessness;
  - III. The denial of the right to a nationality and resultant statelessness and human rights challenges faced by affected persons, in particular the Haratines and black Mauritians;
  - IV. The right to education of stateless children

## Previous UPR of Mauritania under the First and Second Cycle

9. Mauritania was previously reviewed during the 9th and 23rd sessions of the UPR, in 2010 and 2015 respectively. During the first cycle, Mauritania received a recommendation to amend its Nationality Code to remove all gender-discriminatory provisions (Israel), which the government noted. Mauritania also received recommendations to address gender discrimination in laws pertaining to the family, which the state noted. Nine states made recommendations calling on Mauritania to take steps to advance gender equality, with several calling on the state to harmonize its laws with CEDAW and other international obligations.<sup>7</sup> These recommendations were accepted by Mauritania. Mauritania also noted Israel's recommendation to seek technical assistance from UN agencies with regard to birth registration and other areas.
10. During the second cycle, Kenya recommended Mauritania to reform its Nationality Law to

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<sup>3</sup> For more information, please visit: <https://www.antislavery.org/what-we-do/mauritania/>

<sup>4</sup> For more information, please visit: <https://minorityrights.org/>

<sup>5</sup> For more information, please visit: <https://equalnationalityrights.org/>

<sup>6</sup> For more information, please visit: <https://www.institutesi.org/>

<sup>7</sup> Recommendations made by Bahrain, Bangladesh, Chile, Egypt, France, Libya, Norway, Sudan, Slovenia, and Turkey.

uphold women's right to acquire, change, retain, and confer nationality on an equal basis with men in line with international standards, a recommendation noted by the state. Mauritania also noted a recommendation by the Netherlands to fully and effectively implement recommendations by the CEDAW Committee, which include the Committee's recommendation that the state address gender discrimination in its nationality law. Many states made recommendations to promote the rights of women, including through the legal framework, with five of these recommendations accepted by the state.<sup>8</sup> Mauritania was recommended by Brazil to continue its cooperation with the Office of the United Nations High Commissioner for Refugees and related agencies, in order to identify, repatriate and provide proper citizenship documents for the displaced population in the wake of tensions with Senegal and the expelling of citizens from both countries between 1989-1991. This recommendation was noted. Turkey recommended that Mauritania step up efforts to facilitate administrative procedures so that all children are registered at birth, which was supported.

## **Mauritania's International obligations**

11. Mauritania is not a signatory to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness.
12. Mauritania has nonetheless international obligations to protect the right to a nationality and protect the rights of stateless persons on the basis of other UN and regional treaties to which it is a party. These include, among others article 24 (3) of the International Covenant on Civil and Political Rights (ICCPR), articles 2 (2) and 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the article 7 and 8 of the Convention of the Rights of the Child (CRC), article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 5 (d) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD), Article 25 of the International Convention for the Protection of All persons from Enforced Disappearance, and Article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CPRMF).
13. Furthermore, as a member of the United Nations, Mauritania is obligated by the Charter of the United Nations to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". The principle of non-discrimination – particularly on the grounds of race – is a peremptory norm of customary international law and must be applied in relation to protecting the right to nationality.
14. Mauritania has relevant reservations to UN treaties as listed below. In relation to the ICCPR, there are reservations on article 18.1-4 and 23.4. In relation to the CRC, Mauritania stated upon signing the Convention that it makes reservations "to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State." The state did not specify which CRC articles are in question, nor the parameters for the state's interpretation of conflict with religious beliefs and values. After making a general reservation to CEDAW upon accession, the Government of Mauritania partially withdrew its general reservation in 2014, while maintaining a reservation to articles 13 (a) and 16.

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<sup>8</sup> Recommendations made by Bahrain, Djibouti, Egypt, Niger, and Norway.

15. The Committee on the Rights of the Child made the following recommendations to Mauritania in 2018<sup>9</sup>:

- I. Review its legislation on nationality in order to ensure equality in the procedures for transmitting nationality to children through both the maternal and paternal line, in particular for those children who would otherwise be stateless;
- II. Ratifying the Convention Relating to the Status of the Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

16. Further, the Committee on the Elimination of Discrimination Against Women made the following recommendations to Mauritania in 2014:<sup>10</sup>

*“Establish a legal reform process aimed at amending or repealing discriminatory legislation, including the discriminatory provisions of its penal, personal status and nationality codes. The Committee also recommends that the State party implement, without delay and within a clear time frame, the recommendations formulated by the National Human Rights Commission following its study of the implementation of the Personal Status Code.”*

17. The Committee on the Elimination of all forms of Racial Discrimination, made the following recommendations in 2018<sup>11</sup>:

- I. Ensure that Mauritanian men and women have equal rights with respect to the transmission of nationality to children and spouses;
- II. Intensify its efforts to find sustainable solutions for the resettlement of all Mauritanian returnees from Senegal 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;
- III. Ratify and implement the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
- IV. Take action to improve the representation of the black African and Haratine communities in all spheres of political, public and social life and in the private sector, and that it provides statistical data in this regard in its next periodic report;
- V. Step 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;
- VI. Consider the possibility of recognizing Pular, Soninke and Wolof as official languages, in consultation with the population groups concerned;
- VII. Promote the use of national languages other than Arabic in public administration, social services and the judicial and law enforcement system.

18. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment completed his mission to Mauritania in February 2016 and his report was read to the 34th session of the Human Rights Council in 2017. The report made the following observations, though no specific recommendations, in relation to the issue of statelessness:

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<sup>9</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MRT/CO/3-5&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/MRT/CO/3-5&Lang=En)

<sup>10</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMRT%2fCO%2f2-3&Lang=en)

<sup>11</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/MRT/CO/8-14&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/MRT/CO/8-14&Lang=En)

*"Repatriated Mauritians who fled or were forcefully expelled during the humanitarian crisis of the late 1980s and early 1990s face similar difficulties. Many have not obtained personal documents (i.e. birth, marriage or death certificates, personal identification cards and travel documents), a task that is particularly difficult to carry out if their documents were confiscated prior to expulsion. Consequently, of the 24,000 returnees, only around 8,000 have obtained official documents identifying them as Mauritians; the others continue to face great difficulties in accessing State services like education and health care and in registering to vote, and are excluded from national censuses. Without identity documents, many repatriated persons are at risk of becoming stateless."*<sup>12</sup>

## National Law

19. Mauritanian nationality law is set out in Loi N° 1961-112 portant code de la nationalité mauritanienne (the "**1961 Law**")<sup>13</sup> as amended by Loi No 2010 - 023 (the "**2010 Amendment**").<sup>14</sup>
20. The 2010 Amendment removed a previously existing right to Mauritanian nationality based on birth in Mauritania (contained in Article 9 of the 1961 Law) to create a purely descent-based regime (with the exception of abandoned babies). Further, the 2010 Amendment retained discriminatory provisions which deny mothers the ability to confer nationality upon their children on an equal basis as Mauritanian fathers. The principal provision of this regime is Article 8 of the 1961 Law, which confers citizenship to:
  - "A child born to a Mauritanian father" (Article 8(1));
  - "A child born to a Mauritanian mother, provided that the father is without nationality, or of unknown nationality" (Article 8(2)); and
  - "A child born in Mauritania to a Mauritanian mother and a father of foreign nationality, provided that the child repudiates this nationality before reaching majority [the age of 18]" (Article 8(3)).<sup>15</sup>
21. The 2010 Amendment also addressed the situation of children born abroad to a Mauritanian mother and foreign father, which had been a gap previously. According to Article 13 which was introduced in 2010, such children can only opt for Mauritanian nationality in the year preceding their majority.<sup>16</sup>
22. The law presumes that at least one parent will have Mauritanian citizenship, or that the child has been abandoned. It therefore does not address the situation of children born to two stateless parents or a stateless and foreign parent, or to parents who cannot confer their citizenship to their child. This gap, can cause intergenerational statelessness, with no legal avenue to secure the right to nationality of such children.<sup>17</sup>
23. While the lack of birth registration and statelessness are not synonymous, birth registration and obtaining a birth certificate is often the first step in acquiring a nationality. A birth certificate proves facts relating to place of birth and parentage. Article 58 of the 2010 Amendment removed the possibility for late registration of birth and other civil status events, creating risks of statelessness.<sup>18</sup>

<sup>12</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/34/54/Add.1](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/54/Add.1), p. 8.

<sup>13</sup> <https://www.refworld.org/docid/3ae6b5304.html>.

<sup>14</sup> [http://citizenshiprightsafrika.org/wp-content/uploads/2016/05/Mauritania\\_2010.pdf](http://citizenshiprightsafrika.org/wp-content/uploads/2016/05/Mauritania_2010.pdf).

<sup>15</sup> The quotations above have been translated using google translate.

<sup>16</sup> <https://www.refworld.org/country,,,MRT,,4ffafe792,0.html>.

<sup>17</sup> <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2173&file=EnglishTranslation>.

<sup>18</sup> <https://minorityrights.org/minorities/black-africans/>>.

24. Articles 16 and 18 of the 2010 Amendment establish the parameters for the conferral of nationality to spouses of Mauritanian men, and the naturalisation of non-nationals, including those married to Mauritanian citizens. A foreign woman married to a Mauritanian man may acquire Mauritanian nationality upon application after five years of marriage and residency in the country. The spouse of a Mauritanian woman can apply for naturalisation under normal procedures after residency in the country for five years.
25. In addition, under Article 18, no one may be naturalised unless they have had habitual residence in Mauritania for at least ten years, unless the person in question was born in Mauritania or married in accordance with Sharia to a Mauritanian, in which case only five years are required. Another criteria for naturalisation is fluency in a national language. In this regard, the 2010 Amendment removed French and Bambara from the list of national languages, thereby imposing a barrier to naturalisation for French and Bambara speakers.
26. Article 58 of the Amendment stipulates that birth and marriage have effect in regards to matters of nationality, only if they are established by act of civil status.

## Statelessness in Mauritania

27. There are no official statistics for the number of stateless people in Mauritania but in 2014, there were 13,703 refugees from Mauritania in Senegal, 12,897 in Mali and over 5,000 in France.<sup>19</sup> It is considered unlikely that they are currently recognised as nationals by Mauritania. It has therefore been estimated that there are likely to be around 30,00 or so Black Mauritians living in exile who are stateless refugees.<sup>20</sup>
28. Below, are some profiles of groups at risk of statelessness and the main causes of statelessness in the country, which are also addressed through this submission:
  - I. Mauritania is still in the process of repatriating 'Black Mauritians' who were rendered stateless following an inter-communal conflict in Mauritania in 1989. At the time, the government arbitrarily denationalised over 60,000 'Black Mauritians', leaving them stateless, and simultaneously expelled them from the country.<sup>21</sup>
  - II. The Haratine, black African communities of slaves or former slaves, face persistent discrimination. This community lacks access to citizenship and therefore to all state's services and basic rights such as health and education, with some schools branches rejecting students from this community. At the same time, languages commonly spoken by this community – such as Hassanya, Pular, Wolof, and/or Soninké – are considered dialects and are not used in formal education. This discrimination persists through adulthood and is reflected in the country's political representation. Only light-skinned Moors are promoted to high office and Arabic is the official language.
  - III. Mauritania's nationality law denies Mauritanian women equal rights with men to confer nationality on children and spouses. This can lead to statelessness and also forms part of a much wider and pervasive discrimination against women in the country.
  - IV. Children face the risk of statelessness, both due to discriminatory laws and practices related to birth registration (which disadvantage children born out of wedlock, and

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<sup>19</sup> <https://files.institutesi.org/worldsstateless.pdf>.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

the children of refugees), and due to the lack of a safeguard against intergenerational statelessness – as the law presumes that at least one parent will be a Mauritanian citizen, and does not provide for nationality if both parents are stateless or cannot pass on their nationality.

## **Denial of citizenship and discrimination based on gender**

29. Mauritania's nationality law denies Mauritanian women equal rights with men to confer nationality on children and spouses. Discriminatory nationality laws are based on stereotypes, which reinforce stereotypical roles for both women and men. Such as the idea that a child "belongs" to a father rather than a mother, and that a child's identity derives from the fathers, in which case the father's nationality is more likely to attach to them, even if they live in the mother's (different) home country. Gender discrimination in Mauritania's nationality law also undermines women's ability to choose a spouse freely, and that threatens family unity, due to women's inability to confer nationality on spouses on the same basis as men. Article 9 of the CEDAW provides that women are to have "equal rights with men to acquire, change or retain their nationality," and "with respect to the nationality of their children." In its General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the CEDAW Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their citizenship to their spouse.<sup>22</sup>
30. In addition to the inherently gender discriminatory nature of the law, it also impacts on the child's right to acquire a nationality, thereby increasing risk of statelessness. Despite the 2010 amendments through the introduction of Article 13 of the nationality law, a child born abroad to a Mauritanian mother may still only opt for Mauritanian nationality the year before his or her 18th birthday. These requirements do not apply to a child born to Mauritanian men, who have the right to confer nationality on children at birth automatically. It is also unclear whether the right to opt for citizenship for a child born abroad to a Mauritanian mother extends to children born from fathers who are stateless or unknown nationality. In cases where a child born abroad is unable to acquire the nationality of his or her foreign father, the child may be at risk of statelessness until the year before reaching majority, which could have severe implications for the child.<sup>23</sup>

## **Gender discrimination beyond nationality matters and statelessness**

31. Other forms of gender discrimination in law and practice that are of particular concern to the co-submitting organisations include areas related to the Penal Code, a pending law on gender-based violence, and the Personal Status Code.
32. Articles 309 and 310 of the Penal Code, concerning rape, do not provide a definition of rape. As a result, some state authorities interpret rape to be a form of adultery or '*zina*'. In such circumstances, the punishment for rape is insignificant and reparation for victims is minimal. We are deeply alarmed by and condemn the fact that most of the suspects are released on bail

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<sup>22</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/90/PDF/N1462790.pdf?OpenElement>

<sup>23</sup> <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2173&file=EnglishTranslation>.

pending trial. In many cases, this leads to suspected rapists becoming multiple offenders putting vulnerable people at risks, with instances of one perpetrator being responsible for 30 rapes. In 2019 alone AFCF recorded 582 rapes and 1,213 instances of domestic violence (physical, psychological and economic).

33. Disabled women face additional intersectional discrimination and stigmatisation. Disabled women often have difficulty getting married, are often abused by relatives, and at an increased risk of rape and other forms of sexual and gender-based violence.
34. The Personal Status Code, established in 2001, requires amendment to enshrine the equal rights and protection of women. For example, women are not permitted to register their children, only fathers, as described below. Similarly, the political participation law, which mandates the 20% quota, needs improvement in terms of mechanisms for monitoring and implementation to realize the actual participation of women. The penal code also requires revision to be harmonized with international conventions in order to effectively advance the protection of Mauritanian women and girls.
35. Mauritania committed before the UN Economic Commission for Africa (ECA) (2004), to use the standard index "Index of Development and Inequalities Sexes in Africa" (IDISA) to help countries measure the gap between the conditions of men and women in Africa and assess progress made. Following its participation in the expert meeting to examine the regional draft report on IDISA – a meeting organised by the UN ECA African Centre for Gender in Addis Ababa – Mauritania committed, through the Ministry Social Affairs, Childhood and Family (MASEF), to prepare its 2018 report (IDISA) with the technical and financial support of ECA. MASEF has put in place the necessary mechanism for monitoring the completion of this report and has recruited a consultant to calculate the indices that make up the IDISA and prepare the report. To date, Mauritanian civil society has no information on this report, including whether it has been published or not.
36. Discrimination is multi-dimensional and affects all aspects of human life, including education, social life, health and employment. In January 2018, the State promulgated a law against discrimination. However, the law's limited scope and dubious definitions exposes human rights defenders to state abuse. The government denies many of the issues of prime concern to human rights defenders – issues omitted from the law on discrimination. Therefore, when such issues are raised by civil society, the state accuses human rights defenders of harming social cohesion and national unity. Though 2019 witnessed a massive demonstration in Nouakchott – organised with support of the Head of State - to condemn and eliminate the law on discrimination following the State's review by the Human Rights Committee, human rights defenders felt threatened by the State.
37. The above overview shows that gender discrimination in Mauritania is pervasive, and not restricted to the issue of nationality laws. All of these issues are interconnected and ultimately demonstrate that the systemic unequal treatment of women, in addition to the harmful and negative impact on women and girls, also has a wider negative and harmful impact on society.

## **Birth registration and the risk of statelessness**

38. Birth registration is fundamental to the protection of children and prevention of statelessness. As birth registration legally establishes the place of birth, proof of age, and parental affiliation, it serves as important documentary proof to acquire the parents' nationality or the nationality of the State in which the child is born. It also provides children with protection.
39. Following the Civil Status Reform in 2010, birth certificates can be issued to children born on Mauritanian soil only if their parents are registered according to the 2010 established procedure and provide a marriage certificate in compliance with the Personal Status Code 2001-052. This law codifies traditional marriage customs prevailing in Mauritania and requires couples to submit identity documentation from their country of origin, which many recognised refugees residing in the country do not have readily available.<sup>24</sup>
40. Consequently, children born out of wedlock cannot access civil registration and therefore become victims of statelessness. Sex outside marriage is prohibited under Sharia law, and adultery is included in the list of crimes punishable by death. As a result, the births of children born out of wedlock are not registered for fear of facing severe criminal charges and punishment. For some people, the lack of a marriage certificate means that children of these unions are considered to be born out of wedlock. The Personal Status Code creates another obstacle to the registration of children born outside legal marriage by requiring that the father, not mother, register births. This is often not possible for children born out of wedlock, especially in cases where the mother is unable to locate the father, or in cases where the father considers the child to be illegitimate.
41. In addition to impacting all children born out of wedlock, the problem created by civil registration reform particularly affects two main refugee groups, Sierra Leonean and Liberian refugees, who opted to locally integrate in Mauritania after implementation of the cessation clause.<sup>25</sup>
42. This law also poses a problem for certain Mauritians, in particular the Haratine. The requirement to prove Mauritanian ancestry is almost impossible for a slave/former slave, since historically slaves had the status of an object and did not receive administrative treatment equal to that of other Mauritians.

## **Denial of citizenship to Haratines**

43. Former slaves and their descendants form the community called the Haratines (the 'freed' in Hassanya), face significant practical obstacles in obtaining civil registration. National civil society organisations have identified approximately 9,000 Haratine girls and their parents, who lack identity documents and have been unable to obtain civil status. Their lack of documentation coupled with the structural racial discrimination they endure, places them at heightened risk of statelessness. More than 19,000 children have been prevented from accessing education due to lack of access to identity documents. Haratines without identity documents, face difficulties in accessing employment and vocational training, enjoy limited freedom of movement, and do not have equal access to state services. They have difficulty proving that they are Mauritanian and some have been treated/seen as Malian nationals because of the porous border between the

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<sup>24</sup> [https://www.upr-info.org/sites/default/files/document/mauritania/session\\_23\\_-\\_november\\_2015/unhcr\\_upr23\\_mrt\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/mauritania/session_23_-_november_2015/unhcr_upr23_mrt_e_main.pdf)

<sup>25</sup> <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=2173&file=EnglishTranslation>

two countries.

44. The discriminatory denial of documentation and related (risk of) statelessness has serious consequences for access to services and the exercise of other rights. After their release or after having escaped their masters, the former Haratine slaves are unable to move freely both inside and outside Mauritania. Without identity documents, ex-slaves cannot open a bank account, cannot vote and generally cannot own land. In addition, they cannot access education beyond the primary level.

## Denial of citizenship to black-Mauritians

45. Mauritania is still in the process of repatriating 'Black Mauritians' who were rendered stateless following an inter-communal conflict in Mauritania in 1989. At the time, the government arbitrarily denationalised over 60,000 'Black Mauritians', leaving them stateless, and simultaneously expelled them from the country.<sup>26</sup>
46. In 2008, with the support of the UNHCR the government began the formal process of repatriation, and in 2011 launched a nationwide census to register the population in a biometric database, systematize national ID cards, and finalize electoral lists. However, the requirements for registration are relatively onerous and require those being registered to have available documentation including a national ID card, their parents' national ID numbers, and either a passport or an old birth certificate. Furthermore, two years into the registration process, the authorities announced that in order to register children, parents would have to supply a copy of their marriage certificates.<sup>27</sup> This leads to further exclusion from registration processes for former slaves and returnees who cannot provide such documentation.
47. The confiscation or loss of identity documents has made it especially problematic for returnee Black-Mauritians to enjoy full citizenship rights. There have been reports of returnees being denied identity cards and still not being recognised as nationals in Mauritania, despite the repatriation process. Some cases of statelessness may therefore persist amongst this population, and create inter-generational risks of statelessness.<sup>28</sup> Both UN special rapporteurs on racism and extreme poverty have described the ongoing registration process as discriminatory against the Haratines and Black-Mauritians.<sup>29</sup>
48. Furthermore, the changes made with regard to late birth registration as set out in Article 58, referred to above, have made it more difficult for returnees to establish their Mauritanian nationality; but also for those without documented Mauritanian ancestry which trace back to before independence - primarily those in poor and rural communities. While the lack of birth registration is not synonymous to statelessness, it is often a prerequisite to acquire a nationality.
49. There have been cases documented where black Mauritians were victims of humiliating and discriminatory treatment in registration centres. Some with civil status or identity documents were rejected on the pretext that they had foreign-sounding names and were therefore accused of being born abroad. Others were accused of belonging to non-officially recognised ethnic groups, despite the fact that the concerned persons spoke one of the languages officially

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<sup>26</sup> <https://files.institutesi.org/worldsstateless.pdf>

<sup>27</sup> [Ibid.](#)

<sup>28</sup> [Ibid.](#)

<sup>29</sup> <https://www.hrw.org/report/2018/02/12/ethnicity-discrimination-and-other-red-lines/repression-human-rights-defenders>.

recognised by the nationality code of 1961. Other reports have indicated that black Mauritians are the only group asked to prove their Mauritanian nationality by speaking Arabic (which is not their mother tongue) or by reciting sections of the Koran. Some black Mauritians were informed that if their father was born in Senegal or Mali, or if they themselves were born outside the country, they would be automatically excluded from registration, contradictory to the Nationality Code and further undermining their Mauritanian mother's nationality rights.

### **Access to education for stateless children and those at risk of statelessness**

50. The denial of the right to education is a particularly serious violation of the rights of stateless children and children who are at heightened risk of statelessness (e.g. children who lack civil registration). Haratines and Black Mauritanian children are frequently prevented from going to school because they lack civil registration documents.
51. Although education is compulsory between the ages of 6 and 14, school directors can dismiss children who lack civil registration from school at their discretion. Even if affected families find a school administrator who allows their children to enrol in school, these children are not allowed to sit for national exams required to enter the next level of studies, since the Ministries of the Interior and Education requires the completion of biometric registration procedures and the possession of a national identity card to do so. Contrary to the documented experiences of black Haratines and Mauritanian children, the Minister of the Interior denied that these children were prevented from taking the national exams due to their lack of civil registration.
52. Other groups within Mauritanian society are also deprived of equal access to education, including children without civil status and children with disabilities. The education system is not inclusive of disabled children, including due to the lack of ramps, braille, accessible toilets and transport.

### **The Impact of COVID-19 on vulnerable communities**

53. The majority of the populations, especially the descendants of slaves, live in the capital in barracks, hangars, tents without protection against dust winds, and share a 16m<sup>2</sup> room with 6 and 10 people. This type of situation is not suitable or safe and even more during the Covid-19 pandemic. No specific measures or protection for slaves during this pandemic have been taken. Due to this situation, Law enforcement and case hearings have been slowing down in the legal and judicial process. The civil status problems of the victims, their social integration, although more severe with the presence of the pandemic, have not been the subject of any measure, no specific program. The principles of participation were not respected in preparation for the fight against the pandemic, our observation being the discrimination of our organisation which has an absolute social anchoring for more than 20 years.

### **Recommendations**

54. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to Mauritania:

- I. Amend nationality law provisions that discriminate on the basis of gender to ensure that women and men enjoy equal rights to confer nationality, in particular to ensure that Mauritanian women are able to confer nationality on children born abroad and spouses on the same basis with men;
- II. Amend nationality laws to ensure every child's right to a nationality, including by introducing a comprehensive safeguard against statelessness, where the parents may themselves be stateless or unable to pass on their nationality to the child;
- III. Ensure that all children born in Mauritania are registered at birth by providing access to birth registration without discrimination; and enact reforms to guarantee each parent's independent and autonomous right to obtain a birth certificate for their child regardless of the parent's sex or marital status;
- IV. Review legislation to eliminate legal obstacles inhibiting access to civil documents required to obtain birth certificates, and to facilitate access to birth certificates for children born to asylum seekers, refugees, those in slavery or to former slaves and those lacking civil documents, as well as minority and marginalised communities;
- V. Facilitate registration procedures for former slaves and returnees from Senegal and Mali, to ensure their right to nationality is protected;
- VI. Accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness;
- VII. Provide valid residency documents and access to fundamental rights to protracted refugees from Sierra Leone and Liberia who reside in Mauritania;
- VIII. Implement social assistance and administrative assistance programmes for minority and refugee communities, particularly in rural areas of the country.
- IX. Facilitate access to decent housing for populations with precarious incomes or without fixed incomes.
- X. Promote an inclusive approach towards civil society in identifying, programming and helping the vulnerable, including in particular the victims slavery and former slaves.